

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 12745 of 2015 (P)

PETITIONER:

SHIHAB, AGED 35,
S/O.KHALID, ARAKKAL HOUSE,
KANJIRAKKADU, RAYONPURAM P.O.,
PERUMBAVOOR, ERNAKULAM.

BY ADVS.SRI.S.RENJITH
SRI.S.UNNIKRISHNAN (NELLAD)

RESPONDENT:

SUB INSPECTOR OF POLICE,
KALADY POLICE STATION, KALADY,
ERNAKULAM DISTRICT - 683 574.

* ADDL. R2 IMPEADED

2. SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, ERNAKULAM DISTRICT.

IS SUO MOTU IMPEADED AS ADDITIONAL 2ND RESPONDENT
AS PER ORDER DATED 03.07.2015

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

mbr/

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APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1. COPY OF THE REGISTRATION CERTIFICATE OF THE EARTH MOVER
JCB BEARING NO.KL-02-AF-5285.**

**EXT.P2. COPY OF THE FIR DATED 18/4/2015 IN CRIME NO.1045 OF 2015 OF
KALADY POLICE STATION .**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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K. VINOD CHANDRAN, J.
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Dated this the 3rd day of July, 2015

J U D G M E N T

The petitioner in the above writ petition is aggrieved with the seizure of his vehicle for alleged commission of offence under the Mines and Mineral (Development and Regulation) Act, 2015 (for brevity, KMMDR Act). This Court had, by way of an interim order dated 28.04.2015, directed that the petitioners vehicle be released on payment of Rs.25,000/- subject to further orders.

2. In a batch of writ petitions numbered as W.P(C) No.14605 of 2015 and connected cases, this Court has considered the aforesaid issue and directed the Government to bring appropriate amendments to the Rules so as to avoid the arbitrary exercise of the discretionary power, conferred on the authorities, under the compounding provision. However, for the pending cases, this Court had directed that compounding to be effected on payment of Rs.50,000/- (Rupees fifty thousand only)

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as also double the amount of royalty and the price of the mineral illegally transported as determined by the Geologist on an assessment of the maximum quantity that could be transported in the goods vehicle which had been seized. The very same direction shall also apply herein also. The petitioner shall produce the registration certificate before the additional 2nd respondent suo motu impleaded within two weeks, and if not, the vehicle shall be liable for seizure. The additional 2nd respondent shall determine the said amount and deduct the amounts paid by virtue of the interim order on production of the receipt of such payment. On payment of the aforesaid sums, offence shall be compounded. The compounding made shall be marked in the registration certificate of the vehicle and communicated to the Motor Vehicle Department.

Writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //
P.A to Judge.