

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

WP(C).No. 12977 of 2015 (V)

PETITIONER:

KRISHNAN, S/O VELU, AGED 68 YEARS,
RAJEEV BHAVANAM, MANNARASSALA P.O,
HARIPAD, ALAPPUZHA DISTRICT.

BY ADVS.SRI.P.SREEKUMAR
SRI.S.PRASANTH
SMT.P.M.MAZNA MANSOOR

RESPONDENT(S):

1. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE RDO, ALAPPUZHA-PIN-688001.
2. SUB INSPECTOR OF POLICE,
VEEYAPURAM POLICE STATION,
ALAPPUZHA, PIN - 690 514.

*ADDL. R3 IMPEADED

3. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING & GEOLOGY,
ALAPPUZHA.

IS SUO MOTU IMPEADED AS ADDL. 3RD RESPONDENT AS
PER ORDER DATED 06.07.2015.

BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

mbr/

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APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1. TRUE COPY OF THE CERTIFICATE OF REGISTRATION.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J.
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Dated this the 6th day of July, 2015

J U D G M E N T

The petitioner had challenged the seizure of the vehicle bearing registration No. KL-05-AA-7566. The petitioner was also granted release of the vehicle on payment of Rs.25,000/- on the basis of an interim order of this Court on 28.04.2015. The petitioner contends that the petitioner would not seek for compounding and is ready to face prosecution.

2. In such circumstance, the petitioner shall surrender the vehicle to the 2nd respondent within a period of two weeks from today and the 2nd respondent shall produce the same before the Jurisdictional Magistrate, within two weeks thereafter. The petitioner is entitled to move an application before the Jurisdictional Magistrate for interim custody; in which event, the petitioner shall also produce the receipt of payment of

Rs.25,000/- made as per the interim order and the Magistrate on imposing any condition shall take into account the said deposit and deduct the same from the condition imposed by the Magistrate. The condition to be imposed is left to the discretion of the Jurisdictional Magistrate.

3. The petitioner if applying for compounding shall be permitted to do so only on payment of Rs.50,000/- (Rupees fifty thousand only) 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 in W.P.(C) No.14605/2015 and connected cases, shall also apply herein also. The petitioner shall produce the registration certificate before the additional 3rd respondent suo motu impleaded within two weeks, and if not the vehicle shall be liable for seizure. The additional 3rd respondent shall determine the said amount and deduct the amounts paid by

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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.

4. If the petitioner does not apply for compounding or produce the vehicle, as directed herein, then the vehicle bearing registration No. KL-05-AA-7566 shall be liable for seizure.

Writ petition is dismissed with the above directions.

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

SB

// true copy //

P.A to Judge..