

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 13163 of 2015 (U)

PETITIONER(S):

**PREETHI S.MOHAN, AGED 38 YEARS,
W/O. SASI MOHAN, VATTULAKATHIL HOUSE, KALLARA SOUTH P.O
VAIKOM TALUK, KOTTAYAM DISTRICT**

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, KOTTAYAM, PIN-686 001**
- 2. THE REVENUE DIVISIONAL OFFICER,
PALA, PIN-686 575**
- 3. THE TAHASILDAR,
TALUK OFFICE, VAIKOM, PIN-686 141**
- 4. THE SENIOR GEOLOGIST,
OFFICE OF THE MINING AND GEOLOGY, KOTTAYAM, PIN-686 001**
- 5. THE SUB INSPECTOR OF POLICE,
VAIKOM POLICE STATION, VAIKOM PO
KOTTAYAM DISTRICT 686 141**

R BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD

WP(C).No. 13163 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF REGISTRATION CERTIFICATE OF NO.KL-13-M-9167

EXHIBIT P2: TRUE COPY OF THE MAHAZAR DATED 23.4.2015

EXHIBIT P3: TRUE COPY OF JUDGMENT DATED 1.12.2014 IN WPC NO.32151 OF 2014
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RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD

K.VINOD CHANDRAN, J.

W.P.(C).No.13163 of 2015

Dated this the 12th day of August, 2015

JUDGMENT

The petitioner in the above writ petition is aggrieved with the seizure of his vehicle for alleged commission of offence under the Kerala Minor Mineral Concession Rules 2015 (for short KMMC Rules) and Mines and Mineral (Development and Regulation) Act, 2015. The petitioners had made an application for compounding the offence under the KMMC Rules, 2015. This Court had, by way of an interim order dated 28.04.2015, directed that the petitioner's vehicles 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 of tipper lorries to be effected 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 shall apply herein also. The petitioner shall produce the registration certificate of the vehicle before the Geologist the 4th respondent within two weeks, and if not the vehicle shall be liable for seizure. The 4th 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 Vehicles Department. If the petitioner does not comply with the

above order the vehicles shall be liable for seizure and the petitioner shall be liable to be prosecuted.

Writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN
JUDGE

AD