

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 13210 of 2015 (A)

PETITIONER(S):

1. THAHA K.E.,
S/O.EBRAHIMKUTTY,AGED 38 YEARS,
R.C.OWNER OF MGV TIPPER EICHER 10.80 BEARING
REG.NO.KL-40 F 2134 KOTTAPURATH HOUSE,
MARAMPILLY P.O., ERNAKULAM-683 107.
2. FAIZAL P.A.,
S/O.ABDUL KAREEM,AGED 40 YEARS,
R.C.OWNER OF MGV TIPPER EICHER 10.80
BEARING REG.NO.KL-41 F 6767, PATHANAYATHU HOUSE,
ERUMATHALA P.O., PENGATTUSSERY, ALUVA.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENT(S):

1. SUB INSPECTOR OF POLICE,
PERUMBAVOOR POLICE STATION, PERUMBAVOOR.
2. DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, COLLECTORATE, KAKKANAD.

***ADDL.R3 IMPEADED**

***ADDL.R3: SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
ERNAKULAM DISTRICT.**

***IS SUO MOTU IMPEADED AS ADDITIONAL 3RD RESPONDENT AS PER
ORDER DATED 2/07/2015**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

sts

WP(C).No. 13210 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : TRUE COPY OF THE RELEVANT EXTRACT OF THE RC PARTICULARS OF THE
MGV TIPPER EICHER 10.80 BEARING REG.NO.KL-40 F 2134.
- P2 : TRUE COPY OF THE RELEVANT EXTRACT OF THE RC PARTICULARS OF THE
MGV TIPPER EICHER 10.80 BEARING REG.NO.KL-41 F 6767
- P3 : TRUE COPY OF THE FIR IN CRIME NO.1769/15 OF PERUMBAVOOR POLICE
STATION DT. 23-4-15 WITH MAHAZAR.
- P4 : TRUE COPY OF THE FIR IN CRIME NO.1770/15 OF PERUMBAVOOR POLICE
STATION DT. 23-4-15 WITH MAHAZAR.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

W.P.(C) No. 13210 of 2015 (A)

Dated this the 2nd day of July, 2015

J U D G M E N T

The petitioners in the above writ petition are aggrieved with the seizure of their vehicles 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 petitioners' vehicles be released on payment of Rs.25,000/- each 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) each 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.

3. The petitioners shall produce the original registration certificates of the vehicles before the additional 3rd respondent suo motu impleaded within two weeks, and if not the vehicles shall be liable for seizure. The additional 3rd respondent shall determine the amount of compounding fee as directed herein 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 certificates of the vehicles and communicated to the Motor Vehicles Department.

Writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE