

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 17211 of 2012 (B)

PETITIONERS :

- 1. SREEKANTH, AGED 32 YEARS,
S/O.SREEDHARAN SREEKANTH BHAVANAM
ELIPPIKKULAM.P.O., MAVELIKKARA
ALAPUZHA DISTRICT**
- 2. JOSE ANTONY,
S/O. ANTONY VELIYIL HOUSE, KANDALLOOR SOUTH,
P.O. KAYAMKULAM, ALAPUZHA DISTRICT**

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENTS :

- 1. THE VILLAGE OFFICER,
VALLIKUNNAM VILLAGE OFFICE, MAVELIKKARA TALUK,
ALAPUZHA DISTRICT 690501**
- 2. THE SUB INSPECTOR OF POLICE,
VALLIKUNNAM POLICE STATION ALAPUZHA DISTRICT -690501**
- 3. TAHASILDAR,
TALUK OFFICE, MAVELIKKARA ALAPUZHA DISTRICT-690101**
- 4. THE DISTRICT COLLECTOR, ALAPUZHA DISTRICT -688001**

R1 TO R4 BY GOVERNMENT PLEADER SRI. NOUSHAD THOTTATHIL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S) EXHIBITS

- EXT.P1: TRUE COPY OF THE RELEVANT PAGES OF R.C.BOOK OF LORRY REG. NO.KL 31-D-8082.
- EXT.P2: TRUE COPY OF THE RELEVANT PAGES OF R.C.BOOK OF LORRY REG.NO.KL-29-D-4520.
- EXT.P3: TRUE COPY OF THE MAHAZAR DATED 17.7.2012 PREPARED BY THE 1ST RESPONDENT.
- EXT.P4: TRUE COPY OF THE MAHAZAR DATED 17.7.2012 PREPARED BY THE 1ST RESPONDENT.
- EXT.P5: TRUE COPY OF THE NOTIFICATION DATED 22.06.1995.
- EXT.P6: TRUE COPY OF THE ORDER OF THIS HON'BLE COURT IN WP(C) NO.14169/2012 DATED 19.6.2012.
- EXT.P7: TRUE COPY OF THE ORDER OF THIS HON'BLE COURT IN WP(C) NO.7419/2012 DATED 23.3.2012.
- EXT.P8: TRUE COPY OF THE ORDER OF THIS HON'BLE COURT IN WP(C) NO.3519/2011 DATED 3.2.2011.

RESPONDENTS' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J

WPC No.17211 of 2012

Dated this the 19th day of February, 2015

JUDGMENT

The petitioners are the owners of Tata SK1613 HGV Open Tipper bearing Reg.No.KL-31-D 8082 and Tata SK1613 HGV Open Tipper bearing Reg.No.KL-29-D 4520, which were seized by the first respondent on 17.7.2012 under the provisions of the Kerala Minor Mineral Concession Rules, 1967 on the allegation that the vehicles were used for the transportation of red earth without pass. The petitioners allege that the first respondent is not an authorized officer appointed by the Government under the Mines and Minerals (Development and Regulation) Act or the Rules framed thereunder. Therefore, according to the petitioners, the seizure of the vehicles by the first respondent is illegal and beyond his jurisdiction. It is with this background, the petitioners have come up before this Court.

2. This Court, by interim order dated 30.7.2012, ordered release of the vehicles to the petitioners on executing bonds in favour of the District Collector, Alappuzha undertaking to produce the vehicles before the District Collector as and when called for with a further undertaking that the petitioner would not transfer or otherwise dispose of the vehicles or encumber the same during the pendency of the present case and also directed to release the vehicles within a period of three days from the date of receipt of the copy of the order dated 30th July 2012. The same would be subject to further orders of this Court.

This Court is of the view that the writ petition can be disposed of permitting the petitioners to compound the offences. If the petitioners are ready to compound the offences, they shall file applications within a period of one month from the date of receipt of a copy of this judgment. After compounding the offences, the respondents shall report the fact to the Magistrate's Court concerned so that further proceedings could be

dropped. The entries in the Thandaper register regarding the seizure shall stand nullified in the event of compounding.

The writ petition is disposed of as above.

sd/-A.V.RAMAKRISHNA PILLAI
JUDGE

css/

true copy

P.S.TO JUDGE