

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 13477 of 2015 (H)

PETITIONER(S):

MOHAMMED HARIS V.V., S/O.M. IBRAHIM,
AGED 24 YEARS, VAIKATH VALAPPIL HOUSE,
KAPPUR P.O., PATTAMBI, PALAKKAD,
(REGISTERED OWNER OF VEHICLE KL-08-AM/9872)

BY ADV. SRI.SHOBY K.FRANCIS.

RESPONDENT(S):

1. DEPUTY TAHSILDAR (INSPECTION),
TALUK OFFICE, OTTAPPALAM P.O.,
PALAKKAD DISTRICT- 679 101.

* ADDL. R2 IMPEADED

2. SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
PALAKKAD DISTRICT.

* IS SUO MOTU IMPEADED AS ADDITIONAL 2ND RESPONDENT
AS PER ORDER DATED 01/07/2015.

BY GOVT. PLEADER SRI.MANOJ P.KUNJACHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

rs.

WP(C).No. 13477 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE KL-08-AM/9872.
- EXHIBIT P2 TRUE COPY OF THE SEIZURE MAHAZAR DATED 27-04-2015 ISSUED BY THE RESPONDENT.
- EXHIBIT P3 TRUE COPY OF THE REQUEST DATED 28-04-2015 SUBMITTED BY THE PETITIONER TO THE RESPONDENT FOR COMPOUNDING THE CASE UNDER SEC 60(A) (1) OF THE KERALA MINOR MINERAL CONCESSION RULES,1967.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. VINOD CHANDRAN, J

W.P(C) No.13477 of 2015

Dated this the 01st 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 Kerala Minor Mineral Concession Rules 2015(for short KMMC Rules) and Mines and Mineral (Development and Regulation) Act, 2015. The petitioner had made an application for compounding the offence under the KMMC Rules, 2015. This Court had, by way of an interim order dated 05.05.2015, 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) 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

WPC.No.13477/2015

: 3 :

of the vehicle and communicated to the Motor Vehicle
Department.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge