

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 17769 of 2012 (U)

PETITIONER(S):

**PRADHEESH, S/O.VELAYUDHAN, AGED 39 YEARS,
MUTHIRUPARAMBIL HOUSE, CHOWANOR P.O.,
THRISSUR DISTRICT (REGISTERED OWNER OF THE
VEHICLE BEARING REGISTRATION NO.KL-10A/5315).**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
THRISSUR, PIN-680 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
THRISSUR, PIN-680 001.**
- 3. THE SUB INSPECTOR OF POLICE,
ERUMAPETTY POLICE STATION,
THRISSUR DISTRICT, PIN-680584.**

BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 17769 of 2012 (U)

APPENDIX

PETITIONER(S) EXHIBITS:

**EXHIBIT P1: TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY THE
3RD RESPONDENT DATED, 24.7.2012.**

**EXHIBIT P2: TRUE COPY OF THE INTERIM ORDER DATED, 23.7.2012 IN
WP.(C)NO.17097/2012 OF THIS HON'BLE COURT.**

RESPONDENTS' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.17769 of 2012

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Dated this the 2nd day of March, 2015

JUDGMENT

The vehicle bearing Registration No.KL-10A/5315 was seized by the 3rd respondent alleging offence under the MMDR Act/KMMC Rules. The main ground of challenge is that, the 3rd respondent is not having the jurisdiction or authority to effect seizure.

2. Heard both the sides.

3. The authority of the 3rd respondent to effect seizure has already been considered by this Court and the power and competence has been upheld as per the decision reported in **Aloshias C. Antony Vs. Government of Kerala** [2014(1) KLT 536]. The said decision was rendered, also taking note of the nature of offence which is a 'cognizable' one (notwithstanding anything contained in the Cr.P.C) as stipulated in Section 21(6) of MMDR Act, 1957 and also placing reliance on the judgment rendered by a Division Bench of this Court in **Construction**

Materials Movers Association V. State of Kerala [2008 (4) KLT 909]. In the said circumstance, there is no tenable ground to call for interference.

4. When the matter came up for consideration on **30.07.2012**, the vehicle caused to be released, on execution of a simple bond. In the said circumstance, the further course of action required is to surrender the vehicle before the 3rd respondent, so as to enable the 3rd respondent to produce them before the concerned Magistrate having jurisdiction over the area and to proceed with steps for prosecution, unless the offence is sought to be compounded.

5. The petitioner expresses desire to compound the offence by virtue of the enabling provisions under the relevant provisions of law. This Court finds it fit and proper to permit the petitioner to have it compounded on satisfying the compounding fee of ₹25,000/- within **two weeks** from the date of receipt of a copy of this judgment. Once the offence is compounded, no prosecution proceedings will lie in view of the law declared by this Court in

Digil Vs. Sub Inspector of Police [2013(1) KLT 600]. It shall be reported to the concerned Magistrate, if the crime has already been reported. If there is any failure in compounding the offence, the 3rd respondent shall pursue further steps to seize the vehicle and proceed with steps for prosecution.

The writ petition is disposed of.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

vdv