

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936**

**WP(C).No. 18086 of 2012 (I)**  
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**PETITIONER :**  
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**ANSAR, AGED 36 YEARS, S/O.MOHAMMED KUNJU,  
THEKKETHIL HOUSE, THANDANMARAYYATH,  
PADINJATTINKARA MURI, THEVELAKKARA VILLAGE,  
KARUNAGAPPALLY.**

**BY ADVS.SRI.P.M.ZIRAJ  
SRI.K.S.SREENATH**

**RESPONDENT(S):**  
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- 1. THE THAHASILDAR,  
KOTTARAKKARA TALUK, KOLLAM DISTRICT-691 506.**
- 2. THE DISTRICT COLLECTOR, KOLLAM-691 001.**
- 3. SUPERINTENDENT OF POLICE,  
KOLLAM (RURAL) KOTTARAKKARA, KOLLAM-691 506.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**sts**

**WP(C).NO.18086/2012**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

- P1 COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE  
SECOND RESPONDENT DATED 21/7/2012.**
- P2 COPY OF THE COMPLAINT DATED 21/7/2012 SUBMITTED BY THE PETITIONER  
BEFORE THE THIRD RESPONDENT**

**RESPONDENT'S EXHIBITS: NIL**

**/TRUE COPY/**

**P.A.TO.JUDGE**

**sts**

**A.V. RAMAKRISHNA PILLAI, J.**

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**W.P.(C) No. 18086 of 2012**  
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**Dated this the 24<sup>th</sup> day of February, 2015**

**J U D G M E N T**

The petitioner is the owner of a lorry bearing Reg.No.KL-23-E-2549, which was seized on 21.07.2012 by the 1<sup>st</sup> respondent when it was parked on the road side near Valiyapalli, Kundara with earth. The petitioner alleges that the vehicle was taken by the 1<sup>st</sup> respondent without any intimation to the petitioner or driver and without preparing any mahazar. According to the petitioner, neither he nor his driver has committed any offence. He alleges that the 1<sup>st</sup> respondent took the vehicle from a place, which is outside his jurisdiction. The petitioner's grievance is that though he submitted Exts.P1 and P2 complaints before respondents 2 and 3, no action has been taken by them. It is in this context, the petitioner has come up before this Court.

2. This Court passed an interim order dated 07.08.2012, para 3 and 4 of which read as follows;

“3. The learned counsel for the petitioner submitted that the petitioner may be permitted to file an application for compounding before the first respondent.

..2..

4. If an application, as above, is filed before the first respondent, the same will be considered in accordance with law within ten days from the date of receipt of the application and if the offences are compounded, compounding fee will be collected. In the meanwhile, the vehicle will be released to the petitioner (registered owner) on executing a simple bond before the first respondent, undertaking to produce the same as and when demanded by the authorities concerned and he will also undertake not to transfer or further encumber the vehicle during the pendency of the writ petition. The vehicle will be released to the petitioner within three days after execution of the simple bond before the first respondent."

3. Today, when the matter came up for hearing, the learned counsel for the petitioner submitted the interim order has been complied with and the petitioner got the vehicle released.

In view of the above, the writ petition is disposed of permitting the petitioner to compound the offences and permitting the respondents to appropriate the amounts deposited by the petitioner towards fine, to be paid by him. After compounding the offences, the 1<sup>st</sup> respondent shall report the fact to the Magistrate's Court concerned so that further proceedings could be dropped.

Sd/-  
**A.V. RAMAKRISHNA PILLAI**  
**JUDGE**

bka/-