

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 19TH DAY OF MAY 2015/29TH VAISAKHA, 1937

WP(C).No. 14702 of 2015 (K)

PETITIONER:

**MUHAMMED RIYAS K., S/O. KAREEM,
AGED 30 YEARS, POTTASSERY HOUSE,
PODIPPARA, KALLEKKAD P.O.,
PIRAYIRI VILLAGE, PALAKKAD DISTRICT
(OWNER OF LORRY BEARING REGISTRATION
NO. KL-38-9670).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT:

**THE SUB INSPECTOR OF POLICE,
HEMAMBIKA NAGAR POLICE STATION,
PALAKKAD DISTRICT-678006.**

BY SENIOR GOVT. PLEADER SMT.SUNITHA VINOD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 14702 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1- TRUE COPY OF THE MAHASSAR DATED 12-5-2015 PREPARED BY THE
RESPONDENT.**

**EXHIBIT P2- TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
DATED 8-4-2015 IN WPC NO. 11214 OF 2015.**

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.14702 of 2015

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Dated this the 19th day of May, 2015

J U D G M E N T

A lorry bearing registration No.KL-38-9670 belonging to the petitioner was seized by the respondent on 12.05.2015 on the allegation that it was used for transporting ordinary earth without any authority and permission. The averments in the mahazar suggests that the vehicle was seized for contravening the relevant provisions of the Mines and Minerals (Development and Regulation) Act, 1957/Kerala Minor Mineral Concession Rules. Counsel for the petitioner submits that the petitioner has desirous of getting the offence compounded, and therefore, the vehicle be released after accepting the compounding fee.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondent. It is stated that the offence involved is under the Mines and Minerals (Development and Regulation) Act/Kerala Minor Mineral Concession Rules and no offence under the Kerala Conservation of Paddy Land and Wet Land Act, 2008 or Sand Act is involved. I have also taken note of Ext.P2 judgment that was rendered by this Court in identical circumstances.

3. In view of the willingness expressed by counsel for the petitioner to have the offence compounded, I direct the respondent to permit the petitioner to compound the offence, on the petitioner paying an amount of Rs.25,000/- in respect of the vehicle in question. On the petitioner remitting the said compounding fee, the respondent shall release the vehicle to the petitioner forthwith. Needless to say, once the offence is compounded, no prosecution proceedings shall be pursued against the petitioner.

The writ petition is disposed accordingly. The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the respondent for further steps.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns