

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. 14705 of 2015 (K)

PETITIONER(S):

**VARGHESE PAULOSE, S/O.PAULOSE, AGED 60 YEARS
ALAKKAKUDIYIL HOUSE, UPPUTHARA P.O., UPPUTHARA
IDUKKI DISTRICT-685 505.**

**BY ADVS.SRI.RAAJESH S.SUBRAHMANIAN
SRI.V.R.RAJESH**

RESPONDENT(S):

**SUB INSPECTOR OF POLICE
CHENGANNUR, ALLAPUZHA DISTRICT- 689 121.**

R BY GOVERNMENT PLEADER SMT.M.J.RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 14705 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 - TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE
BEARING NO. KL-04-U-8345**

**EXT.P2 - TRUE COPY OF THE SEIZURE MAHAZAR DATED 14.05.2015 PREPARED
BY THE RESPONDENT**

EXT.P3 - TRUE COPY OF THE JUDGMENT DATED 12.05.2015 IN WPC.14319 OF 2015

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.14705 OF 2015 (K)

Dated this the 19th day of May, 2015

J U D G M E N T

A Tipper lorry bearing registration No.KL-04-U-8345 belonging to the petitioner was seized by the respondent on 14.05.2015 on the allegation that the vehicle was used for transportation of red earth, in violation of the provisions of the Kerala Minor Mineral Concession Rules, 2015. Counsel for the petitioner would submit that as per the provisions of Rule 111 of the Kerala Minor Mineral Concession Rules, he can compound the offence that has been alleged against him. He also relies on Ext.P3 judgment that was issued to a person similarly situated in identical circumstances.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondent.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with a direction to the respondent to release the vehicle to the

petitioner on the petitioner paying Rs.25,000/- to the respondent in respect of the seizure of the vehicle. On the petitioner remitting the said amount, the respondent shall release the vehicle to the petitioner forthwith. If any crime has been registered against the petitioner under the Kerala Mines and Minerals (Development and Regulation) Act read with Kerala Minor Mineral Concession Rules, then the respondent shall report the composition of the offence before the competent authority.

The writ petition is disposed of as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp