

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

WP(C).No. 14714 of 2015 (L)

PETITIONER(S):

- * **SHAHIS, AGED 24 YEARS,
S/O.ABOOBACKER, ORAVIL, PADINJARANGADI P.O.,
PATTITHARA VILLAGE, PATTAMBI TALUK, PALAKKAD DISTRICT,
(OWNER OF LORRIES BEARING REGISTRATION NO.KL-52-C-5602
AND KL-52-D-2974). [CORRECTED]**
- * **[NAME OF THE PETITIONER IS CORRECTED AS
"FAHIS" AS PER ORDER DATED 12.06.2015 IN IA 7755/15.]**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DEPUTY TAHASILDAR,
HEAD QUARTERS, TALUK OFFICE, PATTAMBI,
PALAKKAD DISTRICT - 687 002.**
- 2. THE DISTRICT GEOLOGIST,
PALAKKAD DISTRICT - 679 533.**

BY GOVERNMENT PLEADER SRI.S.JAMAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 14714 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE MAHAZAR DATED 8.5.2015 PREPARED BY THE
FIRST RESPONDENT.**

**EXHIBIT-P2: TRUE COPY OF THE GO(MS) NO.20/14/1D DATED 12.2.2014 ISSUED BY
THE PRINCIPAL SECRETARY TO GOVERNMENT, INDUSTRIAL
DEPARTMENT, GOVERNMENT OF KERALA.**

**EXHIBIT-P3: TRUE COPY OF THE INTERIM ORDER DATED 7.4.2014 IN WPC NO.8183
OF 2014 OF THIS HONOURABLE COURT.**

**EXHIBIT-P4: TRUE COPY OF THE INTERIM ORDER DATED 09.02.2015 IN WPC NO.4143
OF 2015 OF THIS HONOURABLE COURT.**

**EXHIBIT-P5: TRUE COPY OF THE INTERIM ORDER DATED 24.4.2015 IN WPC NO.13021
OF 2015 OF THIS HONOURABLE COURT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. VINOD CHANDRAN, J.
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W.P.(C) No.14714 of 2015 - L
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Dated this the 6th day of July, 2015

J U D G M E N T

The petitioner is aggrieved insofar as the lorries bearing registration Nos. KL-52/C-5602 and KL-52/D-2974 were seized by the respondents. The petitioner's vehicles have been released on the basis of an interim order passed by this Court on 19.05.2015, on payment of Rs.25,000/- each. The petitioner contends that the petitioner would not seek for compounding and is ready to face prosecution.

2. In such circumstance, the petitioner shall surrender the vehicles to the 1st respondent within a period of two weeks from today and the 1st respondent shall produce the same before the Jurisdictional Magistrate, within two weeks thereafter. The petitioner is entitled to move an application before the Jurisdictional Magistrate for interim custody; in which event, the petitioner shall also produce the receipt of payment of Rs.25,000/- made as per the interim order and the Magistrate on

imposing any condition shall take into account the said deposit and deduct the same from the condition imposed by the Magistrate. The condition to be imposed is left to the discretion of the Jurisdictional Magistrate.

3. The petitioner if applying for compounding shall be permitted to do so only 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 vehicles which had been seized for each of the vehicles. The very same direction in W.P(C) No.14605/2015 and connected cases, shall also apply herein also. The petitioner shall produce the registration certificate before the 2nd respondent within two weeks, and if not the vehicles shall be liable for seizure. The 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 of the vehicle and communicated to the Motor Vehicle Department.

4. If the petitioner does not apply for compounding or produce the vehicles, as directed herein, then the vehicles bearing registration Nos. KL-52/C-5602 and KL-52/D-2974 shall be liable for seizure.

Writ petition would stand disposed of with the above directions.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.