

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. 16057 of 2015 (F)

PETITIONER(S) :

S.SREEKUMAR, AGED 40 YEARS,
S/O.SREEDHARAN, KOCHUBLAHAYIL HOUSE, KUMARAPURAM P.O.,
HARIPAD, ALLAPUZHA DISTRICT- 690 512.

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

RESPONDENT(S) :

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

* ADDITIONAL R2 IMPEADED

2. SENIOR GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT,
ALAPPUZHA DISTRICT.

* ADDITIONAL R2 IS SUO MOTU IMPEADED AS PER ORDER DATED 06.07.2015

BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

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

Msd.

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APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE REGISTRATION CERTIFICATE OF TIPPER
LORRY BEARING NO. KL- 29- G-5775.**

**EXHIBIT P2: TRUE COPY OF THE SEIZURE MAHAZAR DATED 28.05.2015
PREPARED BY THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.
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Dated this the 6th day of July, 2015

J U D G M E N T

The petitioner in the above writ petition is aggrieved with the seizure of his vehicle for alleged commission of offence under the Kerala Mineral (Prevention of Illegal Mining, Storage and Transportation) Rules, 2015. The petitioner had made an application for compounding the offence under the Rules, 2015. This Court had, by way of an interim order dated 29.05.2015, directed that the petitioner's vehicle be released on payment of Rs.25,000/- subject to further orders.

2. In a batch of writ petitions numbered as W.P(C) No.14605 of 2015 and connected cases, this Court has considered the aforesaid issue and directed the Government to

bring appropriate amendments to the Rules so as to avoid the arbitrary exercise of the discretionary power, conferred on the authorities, under the compounding provision. However, for the pending cases, this Court had directed that compounding to be effected 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 vehicle which had been seized. The very same direction shall apply herein also. The petitioner shall produce the registration certificate before the additional 2nd respondent suo motu impleaded within two weeks, and if not the vehicle shall be liable for seizure. The additional 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

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the registration certificate of the vehicle and communicated to the Motor Vehicle Department.

Writ petition is disposed of.

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

SB

// true copy //

P.A to Judge.