

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 16061 of 2015 (G)

PETITIONER(S):

**BABU, S/O.BHARATHAN, AGED 30 YEARS,
THUNDIYIL CHIRIYIL HOUSE, PUTHUPALLY VILLAGE,
PUTHUPALLY MURI.**

BY ADV. SRI.K.R.SUNIL

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
MANNAR POLICE STATION,
MANNAR, ALAPPUZHA DISTRICT - 689 622.**

*** ADDL.R2 IMPEADED**

- 2. SENIOR GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT, ALAPPUZHA.**

ADDL.R2 IS A SUO MOTU IMPEADED AS PER ORDER DATED 2/7/2015.

BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 16061 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 - TRUE COPY OF THE F.I.R. REGISTERED BY THE RESPONDENT DATED
23.05.15**

RESPONDENT(S)' ANNEXURE

**R1(A): TRUE COPY OF THE REPORT PRODUCED BEFORE THE JFCM COURT,
CHENGANNOOR.**

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.
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W.P.(C) No.16061 of 2015 - G
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Dated this the 2nd 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 Minor Mineral Concession Rules 2015(for short KMMC Rules). 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

W.P.(C) No.16061 of 2015 - G

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 also 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 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.