

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. 16062 of 2015 (G)

PETITIONER:

JAMES AUGSTIN, AGED 32 YEARS,
S/O.PETER JAMES, PUTHEN THARAYI HOUSE,
PUTHUPALLY VILLAGE, GOVINDA MUTTAM MURI,
ALAPPUZHA DISTRICT.

BY ADV. SRI.K.R.SUNIL

RESPONDENT(S) :

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

*ADDL.R2 IMPEADED

*ADDL.R2: SENIOR GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT,
ALAPPUZHA.

*IS SUO MOTU IMPEADED AS THE ADDITIONAL 2ND RESPONDENT AS PER
ORDER DATED 06/07/2015

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:

sts

WP(C).No. 16062 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 TRUE COPY OF THE F.I.R. REGISTERED BY THE RESPONDENT DATED
 23.05.2015.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.
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W.P.(C) No.16062 of 2015 - G
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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 Minor Mineral Concession Rules 2015(for short KMMC Rules). The petitioner had made an application for compounding the offence under the KMMC 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 the registration certificate of the vehicle and communicated to the Motor Vehicle Department.

Writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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// true copy //
P.A to Judge.