

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. 16146 of 2015 (P)

PETITIONER(S) :

**RAJEESH, AGED 24 YEARS,
S/O.NARAYANAN, ALTHARAKKAL HOUSE, HARIPURAM P.O,
KASARAGODE,
OWNER OF TIPPER LORRY BEARING NO.KL-60-B-7020.**

BY ADV. SRI.S.SHAJAHAN (ADOOR)

RESPONDENT(S) :

- 1. THE REVENUE DIVISIONAL OFFICER,
KANHANGAD, KASARAGOD DISTRICT - 671 315.**
- 2. THE THASILDAR,
KANHANGAD, KASARAGODE - 671 315.**
- 3. THE SUB INSPECTOR OF POLICE,
KANHANGAD, KASARAGODE - 671 315.**

*** ADDITIONAL R4 IMPEADED**

- 4. SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, KASARAGOD.**

*** ADDITIONAL R4 IS SUO MOTU IMPEADED AS PER ORDER DATED 02.07.2015**

BY SR.GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

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

Msd.

WP(C).No. 16146 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: THE TRUE COPY OF THE COMPOUNDING APPLICATION MADE BY
THE PETITIONER.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J

W.P(C) No.16146 of 2015

Dated this the 02nd 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) and Mines and Mineral (Development and Regulation) Act, 2015. 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 25.06.2015, directed that the petitioners vehicle be released on payment of Rs.50,000/- 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 also apply herein also. The petitioner shall produce the registration certificate before the additional 4th respondent suo motu impleaded within two weeks, and if not the vehicle shall be liable for seizure. The additional 4th 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

WPC.No.16146/2015

: 3 :

of the vehicle and communicated to the Motor Vehicles
Department.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge