

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. 16183 of 2015 (W)

PETITIONER :

**ANU SAMUEL, AGED 34 YEARS,
S/O.BABU SAMUEL, KODIYANTHARATTIL HOUSE, PULIYOOR P.O.
CHENGANNUR. ALAPPUZHA DISTRICT-689510.**

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

RESPONDENT :

**SUB INSPECTOR OF POLICE,
CHENGANNUR, ALAPPUZHA DISTRICT-689121.**

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:**

bp

WP(C).No. 16183 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE AGREEMENT EVIDENCING PURCHASE OF THE VEHICLE
BEARING NO. KL-17-C-6912 DT 21/8/2014.**
- P1(a): COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE BEARING NO.
KL-17-C06912.**
- P2: COPY OF THE SEIZURE MAHAZAR DT 28/5/205 PREPARED BY THE
RESPONDENT.**

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. VINOD CHANDRAN, J.
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W.P.(C) No.16183 of 2015 - W
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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 01.06.2015, 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

SB

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