

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. 16281 of 2015 (I)

PETITIONER(S):

**SUJITH, S/O.MANI, AGED 38 YEARS,
KAITHAVALAPPIL, POOVANCHIRA P.O,
PANANCHERY VILLAGE, THRISSUR TALUK,
THRISSUR DISTRICT, (OWNER OF LORRY
BEARING REGISTRATION NO.KL-41-E-7224).**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S):

**1. THE SUB INSPECTOR OF POLICE,
THRISSUR EAST POLICE STATION,
THRISSUR DISTRICT, PIN-680 001.**

*** ADDL. R2 IMPEADED**

**2. SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, THRISSUR,**

*** IS SUO MOTU IMPEADED AS ADDL. R2 AS PER ORDER
DATED 02/07/2015.**

BY GOVT. PLEADER SMT.C.K. SHERIN.

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: TRUE COPY OF THE RECEIPT DATED 29.05.2015 ISSUED BY THE
RESPONDENT IN CONNECTION WITH THE SEIZURE OF VEHICLE
OF PETITIONER.**
- P2: TRUE COPY OF THE PERMIT DATED 21.05.2015 ISSUED BY THE
DEPARTMENT OF MINING AND GEOLOGY, THRISSUR TO ONE
SMT.KOCHUTHRESSIA, CHITILAPPILLY HOUSE, THRISSUR.**
- P3: TRUE COPY OF THE O(A) FORM DATED 29.05.2015 ISSUED TO THE
PETITIONER TO TRANSPORT MINOR MINERAL.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. VINOD CHANDRAN, J

W.P(C) No. 16281 of 2015

Dated this the 02nd day of July, 2015

J U D G M E N T

The petitioner had challenged the seizure of the vehicle bearing registration No.KL 41 E 7224. The petitioner was also granted release of the vehicle on payment of Rs.25,000/- on the basis of an interim order of this Court on 02.06.2015. The challenge was only with respect to the authority of the respondent to seize the vehicle. The Government having come out with a notification No.G.O(P) No.55/2015/ID dated 06.05.2015, authorising the respondent to seize the vehicle, nothing survives in the writ petition.

2. In such circumstance, the petitioner shall surrender the vehicle to the respondent within a period of two weeks from today and the respondent shall produce the same before the Jurisdictional Magistrate, within two weeks thereafter. The petitioner is entitled to move an application before the

Jurisdictional Magistrate for interim custody; in which event, the petitioner shall also produce the receipt of payment of Rs.25,000/- made as per the interim order and the Magistrate on imposing any condition shall take into account the said deposit and deduct the same from the condition imposed by the Magistrate. The condition to be imposed is left to the discretion of the Jurisdictional Magistrate.

3. The petitioner if applying for compounding shall be permitted to do so only 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 in W.P(C) No.14605/2015 and connected cases, 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.

4. If the petitioner does not apply for compounding or produce the vehicle, as directed herein, then the vehicle bearing registration No. KL 41 E 7224 shall be liable for seizure.

Writ petition is dismissed with the above directions.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge