

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. 16453 of 2015 (F)

PETITIONER(S):

**NASEEMA, AGED 32 YEARS,
W/O.SHAJI, MANALIPARAMBIL HOUSE, MEZHATHUR P.O.,
PATTAMBI VILLAGE, PATTAMBI TALUK,
PALAKKAD DISTRICT. (OWNER OF A LORRY
BEARING REGISTRATION NO.KL.41C.8303)**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. DEPUTY TAHSILDAR (R.R),
TALUK OFFICE, PATTAMBI,
PALAKKAD DISTRICT - 679 591.**
- * ADDITIONAL SUO MOTU IMPLEADED**
- 2. THE SENIOR GEOLOGIST,
MINING & GEOLOGY DEPARTMENT,
PALAKKAD**
- * IS SUO MOTU IMPLEADED AS 2ND RESPONDENT AS PER ORDER
DTD.6.7.2015 IN WP(C)**

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:**

msv/

WP(C).No. 16453 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE SEIZURE MAHAZAR DATED 31.5.15 PREPARED BY THE RESPONDENT.

EXHIBIT P2. TRUE COPY OF THE GO(MS) NO.20/14/ID DATED 12.2.14 ISSUED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, INDUSTRIAL DEPARTMENT, GOVERNMENT OF KERALA.

EXHIBIT P3. TRUE COPY OF THE INTERIM ORDER DATED 7.4.14 IN WPC 8183 OF 2014 OF THIS HONOURABLE COURT.

EXHIBIT P4. TRUE COPY OF THE INTERIM ORDER DATED 22.5.15 IN WPC 15014 OF 2015 OF THIS HONOURABLE COURT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. VINOD CHANDRAN, J.
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W.P.(C) No.16453 of 2015 - F
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Dated this the 6th day of July, 2015

J U D G M E N T

The petitioner is aggrieved insofar as the lorry bearing registration No. KL-41-C-8303 was seized by the respondent. The petitioner's vehicle has been released on the basis of an interim order passed by this Court on 03.06.2015, on payment of Rs.25,000/- each. The petitioner contends that the petitioner would not seek for compounding and is ready to face prosecution.

2. In such circumstance, the petitioner shall surrender the vehicle to the 1st respondent within a period of two weeks from today and the 1st 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 vehicles which had been seized. The very same direction in W.P.(C) No.14605/2015 and connected cases, 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.

4. If the petitioner does not apply for compounding or produce the vehicles, as directed herein, then the vehicles bearing registration No. KL-41-C-8303 shall be liable for seizure.

Writ petition would stand disposed of with the above directions.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

PA. to Judge.