

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 20384 of 2013 (W)

PETITIONER(S):

1. BIJU.S., S/O.SIVADASAN, MANNADIYIL HOUSE,
PUTHENCHANTHA P.O., VALLIKUNNAM,
MAVELIKKARA, ALAPPUZHA DISTRICT.
2. SHAJI C., S/O.CHELLAPPAN,
KOIPPALLY KIZHAKKATHIL, PUTHENCHANTHA P.O.,
VALLIKUNNAM, MAVELIKKARA, ALAPPUZHA DISTRICT.
3. VIJAYAN, S/O.SUKUMARAN, ADARSH BHAVANAM,
PERROR KARAZHMA, THAMARAKKULAM VILLAGE,
MAVELIKKARA.
4. SATHEESAN, S/O.SADHANANDAN, MANNADIYIL HOUSE,
VALLIKUNNAM VILLAGE, MAVELIKKARA.

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENT(S):

1. THE CHIEF SECRETARY, GOVERNMENT OF KERALA,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. DISTRICT COLLECTOR, ALAPUZHA - 690105.
3. DISTRICT POLICE CHIEF, ALAPUZHA-690105.
4. THE SUB INSPECTOR OF POLICE,
NOORANADU-690104.
5. DIRECTOR OF MINING AND GEOLOGY,
DEPARTMENT OF MINING AND GEOLOGY,
THIRUVANANTHAPURAM-695001.

BY GOVERNMENT PLEADER SMT.SUNITHA VINOD

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 20384 of 2013 (W)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1 : TRUE COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE
NO.KL-31 C-9147 OF 1ST PETITIONER.**

**EXHIBIT P2 : TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE
BEARING REG.NO.KL-31 C-1750 OF 2ND PETITIONER.**

**EXHIBIT P3 : TRUE COPY OF THE MAHAZAR OF KL-31 C-9147 PREPARED BY THE
SUB INSPECTOR OF POLICE, NOORANADU.**

**EXHIBIT P4 : TRUE COPY OF THE MAHAZAR OF KL-31 C-1750 PREPARED BY THE
SUB INSPECTOR OF POLICE, NOORANADU.**

**EXHIBIT P5 : TRUE COPY OF THE NOTIFICATION NO.20553/K2/88/ID
DATED 22-12-1988 (SRO 139/89 DATED 24-1-1989)**

**EXHIBIT P6 : TRUE COPY OF THE NOTIFICATION ISSUED UNDER SRO 827/91
PUBLISHED ON 26-6-1991.**

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 20384 of 2013

Dated this the 8th day of January, 2015

J U D G M E N T

Petitioners 1 and 2 are the owners of Tipper Lorries bearing Reg.Nos.KL-31 C-9147 and KL-31 C-1750. Petitioners 3 and 4 are the drivers of respective vehicles. The said vehicles were seized on 15.08.2013 by the 4th respondent alleging violation of Section 4 r/w 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and provisions of the Kerala Minor Mineral Concessions Rules; and Exts. P3 and P4 seizure mahazars were prepared. According to the petitioners, petitioners 3 and 4 purchased red earth from an authorized quarry at Edappon and were transporting the same to Vallikunnam with a valid P Form issued by the dealer. The petitioners allege that the 4th respondent is not an authorized officer specially empowered for seizure under Section 21(4) of the Mines and Minerals (Development

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and Regulation) Act, 1957 or under Rule 58(3) of the Kerala Minor Mineral Concessions Rules. It is with this background, the petitioners have come up before this Court.

2. This Court, by interim order dated 16.08.2013, ordered release of the vehicles, bearing Reg.Nos.KL-31 C-9147 and KL-31 C-1750, to petitioners 1 and 2 respectively on satisfaction of a sum of ₹25,000/- (Rupees twenty five thousand only) each before the concerned respondent and on executing a simple bond, undertaking to produce the vehicles as and when called for and that the vehicles would not be alienated or encumbered during pendency of further proceedings.

3. Today, when the matter came up for hearing, the learned counsel for the petitioners submitted that on the basis of the aforesaid direction, the amounts have been deposited; and the petitioners got the vehicles released. It is also submitted that the petitioners are ready to get the offences compounded.

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Therefore, the writ petition is disposed of permitting the petitioners to compound the offences and permitting the petitioners to appropriate the amounts deposited by the petitioners towards fine to be paid. After compounding the offences, the 4th respondent shall report the fact to the Magistrate Court concerned so that further proceedings could be dropped.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-