

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 17837 of 2015 (D)

PETITIONER(S) :

**LALY VARGHESE, AGED 45 YEARS,
W/O.VARGHESE, MANAMEL HOUSE, INDUSTRIAL NAGER POST,
CHANGANSERRY VILLAGE, CHANGANSSERRY TALUK,
KOTTAYAM DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
ALAPPUZHA DISTRICT- 688 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT- 689 121.**
- 3. THE SUB INSPECTOR,
CHENGANNUR POLICE STATION,
ALAPPUZHA DISTRICT- 689 121.**

*** ADDITIONAL R4 IMPEADED**

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

*** ADDITIONAL R4 IS SUO MOTU IMPEADED AS PER ORDER DATED 03.07.2015**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 17837 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: THE TRUE COPY OF THE REPORT AND MAHZER PREPARED BY
THE 3RD RESPONDENT DATED 11.06.2015.**

**EXHIBIT P2: PHOTO COPY OF THE APPLICATION SUBMITTED BY
THE PETITIONER BEFORE THE 3RD RESPONDENT
DATED 11.06.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J

W.P(C) No. 17837 of 2015

Dated this the 03rd 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.

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 of the said vehicle before the additional 4th respondent suo motu impleaded within two weeks. The additional 4th respondent shall determine the said amounts and 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 Vehicles Department. On production of evidence of compounding having been effected by the 4th respondent the vehicle shall be released to the petitioner by the 1st respondent.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge