

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. 18059 of 2015 (F)

PETITIONER(S):

**SUBI VARGHESE, AGED 35 YEARS,
S/O VARGHESE , KAVATTUKUZH I HOUSE, PERUVA PO,
KOTTAYAM. OWNER OF TIPPER & JCB BEARING NO. KL-32-H-1257
KL-36-C-5188.**

BY ADV. SRI.S.SHAJAHAN (ADOOR)

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM-686 101.**
- 2. THE DISTRICT COLLECTOR KOTTAYAM,
KOTTAYAM DISTRICT- 686 101.**
- 3. THE DEPUTY TASILDAR,
VAIKAM, KOTTAYAM 686 612.**
- 4. THE SUB INSPECTOR, VELLOR, KOTTAYAM 686 501.**

*** ADDL.R5 IMPEADED**

- 5. SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE,
KOTTAYAM.**

ADDL.R5 SUO MOTU IMPEADED AS PER ORDER DATED 3/7/2015.

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:**

PJ

WP(C).No. 18059 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 TRUE COPY OF THE SAID SEIZURE MAHAZAR DATED 5/6/2015
 PREPARED BY THE RESPONDENT**

**EXT.P2 THE TRUE COPY FO THE COMPOUNDING APPLICATION MADE BY THE
 PETITIONER**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J

W.P(C) No. 18059 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 5th respondent suo motu impleaded within two weeks. The additional 5th 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 5th respondent the vehicle shall be released to the petitioner by the 4th respondent.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge