

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 18081 of 2015 (I)

PETITIONER:

1. RAJENDRAN, AGED 44 YEARS,
S/O.MADHAVAN, MODENKATTIL HOUSE, KANNIAMPURAM,
OTTAPALAM 679104.
2. RAMADAS A, AGED 46 YEARS,
S/O.CHANDRAN, ALIKKAL HOUSE, KANNIYAMPURAM,
OTTAPALAM 679104.
3. RADHAKRISHNAN, AGED 50 YEARS,
S/O.MADHAVI, KALAPARAKUNDIL HOUSE, PULAPPATTASSERI,
CHERUMUNDASSERI, AMBALAPARA POST, OTTAPALAM TALUK.
4. MUHAMMED ASHRAF, AGED 35 YEARS,
S/O.ALAVI, MULAKKAL HOUSE, VARODE POST,
OTTAPALAM TALUK.
5. MUHAMMED KASIM AGED 47 YEARS
S/O.HUSSAIN, MUNNUPADIKKAL HOUSE, MURUKKUMPATTA
CHUNANGAD 679511.
6. SURESHKUMAR K S, AGED 42 YEARS,
S/O.SETHUMADHAVAN, HOUSE NO XXI/69.
GOVERNMENT PRESS POST, KULAPPULLY, SHORNUR 679122.

BY ADV. SRI.R.SREEHARI

RESPONDENTS:

1. DISTRICT COLLECTOR,
PALAKKAD, CIVIL STATION, PALAKKAD 678014.
2. REVENUE DIVISIONAL OFFICER & SUB COLLECTOR,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
OTTAPALAM 679101.

PJ

....2/-

WP(C).No. 18081 of 2015 (I)

3. **TAHSILDAR,
TALUK OFFICE, OTTAPALAM 679101.**
4. **DEPUTY TAHSILDAR,
(INSPECTION), TALUK OFFICE, OTTAPALAM 679101.**
5. **GEOLOGIST, MINING AND GEOLOGY,
DISTRICT OFFICE OF DEPARTMENT OF MINING AND GEOLOGY,
CIVIL STATION, PALAKKAD 678014.**
6. **T P KHALID, AGED 50 YEARS,
ALIKUTTY HAJI, THURACKALPUTHANPURAYIL HOUSE,
VALLAPPUZHA POST, OTTAPALAM TALUK, PIN 679336.**

R1-5 BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- PHOTO COPY OF GOODS CARRIAGE PERMIT IN RESPECT OF THE 1ST PETITIONERS VEHICLE KL 10Z 4479
- P2:- PHOTO COPY OF REGISTRATION CERTIFICATE OF THE 2ND PETITIONERS VEHICLE KL 13B 7984
- P3:- PHOTO COPY OF REGISTRATION CERTIFICATE OF THE 3RD PETITIONERS VEHICLE KL 31-5609
- P4:- PHOTO COPY OF REGISTRATION CERTIFICATE OF THE 4TH PETITIONERS VEHICLE KL 51B 3249
- P5:- PHOTO COPY OF REGISTRATION CERTIFICATE OF THE 5TH PETITIONERS VEHICLE KL 05H 6307
- P6:- PHOTO COPY OF TAX INVOICE OF THE 6TH PETITIONERS EARTH MOVING EQUIPMENT
- P7:- PHOTO COPY OF BUILDING PERMIT ISSUED BY OTTAPALAM MUNICIPAL COUNCIL TO THE 6TH RESPONDENT
- P8:- PHOTO COPY OF THE ORDER NO 32/OE/DOP/826/2015/A1 DTD 21/5/2015 OF THE 5TH RESPONDENT
- P9:- PHOTO COPY OF MINERAL TRANSIT PASS DTD 4/6/2015 ISSUED TO VEHICLE NO KL 10Z 4479
- P10:- PHOTO COPY OF MINERAL TRANSIT PASS DTD 4/6/2015 ISSUED TO VEHICLE NO KL 13B 7984
- P11:- PHOTO COPY OF MINERAL TRANSIT PASS DTD 4/6/2015 ISSUED TO VEHICLE NO KL 13B 5609
- P12:- PHOTO COPY OF MINERAL TRANSIT PASS DTD 4/6/2015 ISSUED TO VEHICLE NO KL 51 B 3249
- P13:- PHOTO COPY OF MINERAL TRANSIT PASS DTD 4/6/2015 ISSUED TO VEHICLE NO KL 5H 6307
- P14:- PHOTO COPY OF SEIZURE MAHAZAR OF THE 4TH RESPONDENT

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.

W.P(C). No.18081 of 2015

Dated this the 29th day of July, 2015.

JUDGMENT

The petitioners in the above writ petition is aggrieved with the seizure of their vehicles for alleged commission of offence under the Kerala Mines and Mineral (Development and Regulation) Act, 2015. The petitioners 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 also apply herein also. The petitioners shall produce the registration certificates of the respective vehicle before the 5th respondent/Geologist within two weeks. The 5th respondent shall determine the said amount for each vehicle and the amounts paid as per the interim order shall be deducted. On payment of the aforesaid sums offence shall be compounded. The compounding made shall be marked in the registration certificates of the vehicles and communicated to the Motor Vehicles Department. If any of the petitioners do not produce the registration certificate of any of the vehicles released provisionally, as per the interim order, then they shall be liable for confiscation and penal proceedings also shall be continued.

The writ petition is disposed of.

**K. VINOD CHANDRAN,
JUDGE**

sp