

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 18717 of 2014 (L)

PETITIONER:

**KRISHNAN, S/O.UDARAPPAN,AGED 30 YEARS,
KOTTAYILPPADI HOUSE, KAKKADIPURAM,
ALANKODE P.O, PONNANI TALUK, MALAPPURAM DISTRICT,
(DRIVER OF LORRY BEARING REGISTRATION NO KL-54-B-2475).**

BY ADV. SRI.P.VARUN KUMAR

RESPONDENT :

**THE SUB INSPECTOR OF POLICE,
CHANGARAMKULAM POLICE STATION,
MALAPPURAM DISTRICT, PIN-679 578**

BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).No. 18717 of 2014 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1:- TRUE COPY OF THE SEIZURE MAHAZAR DTD 19/7/2014 PREPARED BY THE
RESPONDENT**

**P2:- TRUE COPY OF THE WRITTEN REQUEST SUBMITTED BY THE PETITIONER
DTD 19/7/2014 BEFORE THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.S.TO.JUDGE

sts

A.V.RAMAKRISHNA PILLAI, J

WPC No.18717 of 2014

Dated this the 18th day of February, 2015

JUDGMENT

The petitioner is the driver of a Lorry bearing Reg.No.KL-54-B-2475, which was seized by the respondent on 19.7.2014 under the provisions of the Kerala Minor Mineral Concession Rules, 1967 on the allegation that the vehicle was used for unauthorized transportation of ordinary earth. The petitioner alleges that the respondent is not an authorized officer under the Mines and Minerals (Development and Regulation) Act or the Rules framed thereunder. Therefore, according to the petitioner, the seizure of the vehicle by the respondent is illegal and beyond his jurisdiction. It is with this background, the petitioner has come up before this Court.

2. This Court, by interim order dated 21.7.2014, ordered release of the vehicle to the petitioner on satisfaction of a sum of ₹25,000/- (Rupees twenty five thousand only) before the concerned respondent.

This Court is of the view that the writ petition can be disposed of permitting the petitioner to compound the offences. If the petitioner is ready to compound the offences, he shall file a compounding petition within a period of one month from the date of receipt of a copy of this judgment. In the event of filing the compounding petition, the respondent shall appropriate the amount ordered to be deposited by the petitioner towards fine. After compounding the offences, the respondent shall report the fact to the Magistrate's Court concerned so that further proceedings could be dropped.

The writ petition is disposed of as above.

sd/-A.V.RAMAKRISHNA PILLAI
JUDGE

CSS/

true copy

P.S.TO JUDGE