

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C) .No. 18719 of 2014 (L)

PETITIONER:

ANU, AGED 29 YEARS
S/O.BABU, VELUTHEDATHU, SREEMOOLANAGARAM
CHOVVARA VILLAGE, ALUVA TALUK
ERNAKULAM DISTRICT (OWNER OF LORRY BEARING
REGISTRATION NO KL-7-AZ-4138)

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:

1. THE REVENUE DIVISIONAL OFFICER
FORTKOCHI, ERNAKULAM DIST, PIN-682001
2. THE VILLAGE OFFICER
CHENGAMANAD, ERNAKULAM DIST, PIN-682301
3. THE SUB INSPECTOR OF POLICE,
NEDUMBASSERY POLICE STATION, ERNAKULAM DIST

R BY GOVERNMENT PLEADER SRI. NOUSHAD THOTTATHIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 18719 of 2014 (L)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:- TRUE COPY OF THE SEIZURE MAHASSAR DTD 16/7/2014 PREPARED BY THE
2ND RESPONDENT.

P2:-TRUE COPY OF THE CASH MEMORANDUM DTD 16/7/2014 ISSUED BY THE
VEHICLE OF THE PETITIONER.

P3:-TRUE COPY OF THE GO(MS)NO 20/14/ID DTD 12/2/2014 ISSUED BY THE
PRINCIPAL SECRETARY TO GOVERNMENT, INDUSTRIAL DEPARTMENT, GOVERNMENT
OF KERALA.

P4:-TRUE COPY OF THE INTERIM ORDER DTD 7/4/2014 IN WPC NO 8183 OF
2014 OF THIS HONOURABLE COURT.

RESPONDENT(S) ' EXHIBITS: NIL

TRUE COPY

PA TO JUDGE

SCL.

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C) No.18719 of 2014

Dated this the 6th day of February, 2015.

JUDGMENT

The petitioner is the owner of a lorry bearing Reg.No.KL-07-AZ-4138. The vehicle was seized on 16.7.2014 by the second respondent under Section 4 r/w 21 of the Kerala Minor Mineral Concession Rules, 1967, on the allegation that the vehicle was used for mining red earth as per Ext.P1 Seizure Mahassar. The petitioner alleges that the second respondent is not an authorized officer specially empowered for seizure under Section 21(4) of 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 second 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 bearing Reg.No.KL-07-AZ-4138

on payment of ₹25,000/- (Rupees twenty five thousand only) to the petitioner.

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 second respondent shall appropriate the amount deposited by the petitioner towards fine, to be paid by him. After compounding the offences, the second 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

Scl.