

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No.18772 of 2015 (V)

PETITIONER'S:

1. JOHNSON JOSEPH,S/O.JOSEPH,AGED 46 YEARS,
VELIPARAMBIL HOUSE,EAST MARADI,
MARADI,MUVATTUPUZHA.
2. TOMY VARGHESE,S/O.VARKEY,AGED 40 YEARS,
PADINJAREKARA HOUSE,SHULAMTHAZHAM,
MARADI.

BY ADVS.SRI.JOY THATTIL ITTOOP
SRI.A.G.ADITYA SHENOY
SRI.BIJISH B.TOM

RESPONDENT'S:

1. THE VILLAGE OFFICER,MARAADI VILLAGE,
MARADI,MUVATTUPUZHA.
2. THE SUB INSPECTOR OF POLICE,
MUVATTUPUZHA POLICE STATION,
MUVATTUPUZHA,ERNAKULAM DISTRICT.
3. STATE OF KERALA,HOME DEPARTMENT,
SECRETARIAT,REPRESENTED BY ITS SECRETARY,
TRIVANDRUM-600001.

***ADDITIONAL 4TH RESPONDENT IMPLEADED**

**ADDL.R4:SENIOR GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT,
ERNAKULAM.**

***IS SUO MOTU IMPLEADED AS THE ADDITIONAL 4TH RESPONDENT AS
PER ORDER DATED 07.07.2015.**

BY GOVT. PLEADER SRI.BIJU MEENATTOOR.

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

WP(C).No.18772 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT-P1:TRUE COPY OF THE BUILDING PERMIT BEARING NO.BA 103/2014-15
DATED 18.02.2015.**

**EXHIBIT-P2:TRUE COPY OF THE GOVERNMENT ORDER BEARING NO.12/2014
DATED 15.11.2014.**

**EXHIBIT-P3:TRUE COPY OF THE CERTIFICATE DATED 06.05.2015 ISSUED BY THE
1ST RESPONDENT.**

**EXHIBIT-P4:TRUE COPY OF THE FIR NO.BEARING NO.1091/2015
DATED 29.05.2015.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

K. VINOD CHANDRAN, J.
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W.P.(C) No.18772 of 2015 - L
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Dated this the 7th day of July, 2015

J U D G M E N T

The petitioners in the above writ petition is aggrieved with the seizure of their vehicles for alleged commission of offence under the Mines and Mineral (Development and Regulation) Act, 2015 (for brevity, KMMDR Act) The petitioner had made an application for compounding the offence under the KMMDR Act, 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.75,000/- (Rupees seventy five 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 vehicles which had been seized. The very same direction shall apply herein also. The petitioner shall produce the registration certificate before the additional 4th respondent suo motu impleaded within two weeks, and if not the vehicle shall be liable for seizure. The additional 4th respondent shall determine the said amount 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 Vehicle Department.

Writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //
P.A to Judge.