

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

WP(C).No. 19780 of 2015 (V)

PETITIONER :

**SHANAVAS V.E., AGED 42 YEARS
S/O.EBRAHIM, VELLAKAMATTATHIL HOUSE,
KOTHAMANGALAM MURI, KOTHAMANGALAM VILLAGE,
ERNAKULAM DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR
ERNAKULAM DISTRICT - 682 030.**
- 2. THE SUB INSPECTOR OF POLICE
KOTHAMANGALAM POLICE STATION
ERNAKULAM DISTRICT - 686 691.**

***ADDL. R3 IMPEADED**

***ADDL.R3. SENIOR GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY
DISTRICT OFFICE, ERNAKULAM.**

***IS SUO MOTU IMPEADED AS PER ORDER DATED 08/07/2015.**

R1, R2 & ADDL. R3 BY GOVT. PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 19780 of 2015 (V)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1. TRUE COPY OF THE MAHAZER PREPARED BY THE 2ND RESPONDENT
DATED 18.6.15.**

**EXHIBIT P2. PHOTOCOPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DATED 23.6.15.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J

W.P(C) No.19780 of 2015

Dated this the 08th 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 double 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 3rd respondent suo motu impleaded within two weeks. The additional 3rd 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 3rd respondent the vehicle shall be released to the petitioner by the 2nd respondent.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

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