

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 19819 of 2015 (B)

PETITIONER(S):

1. KRISHNAN K.S., AGED 30 YEARS,
S/O.SUKUMARAN, KOTTAPPURAM HOUSE,
NERYAMANGALAM MURI, NERIAMANGALAM VILLAGE,
ERNAKULAM DISTRICT.
2. ANOOP M.M, AGED 30 YEARS, S/O.MYTHEEN,
MOOKADAYIL HOUSE, KUTTILANJI MURI,
KOTHAMANGALAM VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SRI.AJITH MURALI

RESPONDENT(S):

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

ADDL. R3 IMPEADED

3. SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
ERNAKULAM.

**IS SUO MOTU IMPEADED AS ADDL. 3RD RESPONDENT
AS PER JUDGMENT DATED 01.07.2015.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1. THE TRUE COPY OF THE MAHZER PREPARED BY THE
2ND RESPONDENT DATED 17.6.2015.
- EXHIBIT P2. THE TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE
1ST PETITIONER.
- EXHIBIT P3. THE TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE
2ND PETITIONER.
- EXHIBIT P4. PHOTO COPY OF THE APPLICATION SUBMITTED BY THE
1ST PETITIONER BEFORE THE 2ND RESPONDENT DATED 23.6.2015.
- EXHIBIT P5. PHOTO COPY OF THE APPLICATION SUBMITTED BY THE
2ND PETITIONER BEFORE THE 2ND RESPONDENT DATED 23.6.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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K. VINOD CHANDRAN, J.

W.P(C). No.19819 of 2015

Dated this the 01st day of July, 2015.

JUDGMENT

The petitioner in the above writ petition is aggrieved with the seizure of his vehicle for alleged commission of offence under the Kerala 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 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 petitioner shall produce the registration certificate before the additional 3rd respondent suo motu impleaded within two weeks. The additional 3rd 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 Vehicles Department. The petitioner shall produce evidence of the compounding fees paid before the 2nd respondent, who shall immediately release the vehicle.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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