

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 20552 of 2015 (T)

PETITIONER :

**REGHUNATHAN, S/O.KRISHNANKUTTY, AGED 35 YEARS,
MARAKKATH HOUSE, MULLASSERY P.O.,
MULLASSERY VILLAGE, CHAVAKKAD TALUK,
THRISSUR DISTRICT (OWNER OF A LORRY BEARING
REGISTRATION NO.KL-08-AG-9514).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695 001.**
- 2. THE SUB INSPECTOR OF POLICE,
CHALISSERY POLICE STATION,
PALAKKAD DISTRICT - 680 509.**
- 3. THE DISTRICT GEOLOGIST,
THRISSUR DISTRICT - 680 001.**
- 4. THE REVENUE DIVISIONAL OFFICER (R.D.O),
OTTAPPALAM, PALAKKAD DISTRICT - 680 509.**
- 5. THE DISTRICT GEOLOGIST,
PALAKKAD DISTRICT - 680 509.**
- 6. THE DIRECTOR, MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM, THIRUVANANTHAPURAM - 695 001.**

BY SR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 20552 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. TRUE COPY OF THE MAHASSAR DATED 15.06.2015 PREPARED BY THE
SECOND RESPONDENT.**

**EXHIBIT P2. TRUE COPY OF THE O(A) FORM ISSUED BY THE THIRD RESPONDENT
DATED 15.06.2015.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

W.P.(C) No. 20552 of 2015 (T)

Dated this the 14th 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 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 3rd or 5th respondent within two weeks, and if not the vehicle shall be liable for seizure. The 3rd or 5th 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