

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. 21117 of 2015 (L)

PETITIONER(S) :

- 1. MINI, D/O.GOPALAN,
KRISHNAKRIPA, VELLOOR VILLAGE,
VAIKAM TALUK.**
- 2. VAISAKH,
S/O.PRADEEP, SHARANYA NIVAS, PADINJAREKARA P.O.,
VAIKOM.**
- 3. MANU,
S/O.SUDHAKARAN, KANDATHIL HOUSE, VADAKARA P.O.,
THALAYOLAPARAMBU.**

**BY ADVS.SRI.DINNY THOMAS
SRI.JAISHANKAR V.NAIR
SMT.ROSHNI MANUEL
SRI.ALBERT V.JOHN**

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
ERNAKULAM- 682 030.**
- 2. SUB INSPECTOR OF POLICE,
MULANTHURUTHY- 682 314.**
- 3. GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, KOTTAYAM- 686 002.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

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

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT-P1: TRUE COPIES OF THE AGREEMENT FOR SALE IN RESPECT OF VEHICLE NO.KL-03 M 2268.

EXHIBIT-P2: TRUE COPIES OF THE AGREEMENT FOR SALE IN RESPECT OF VEHICLE NO.KL-11 D 796.

EXHIBIT-P3: TRUE COPIES OF THE REGISTRATION CERTIFICATE IN RESPECT OF VEHICLE NO.KL-03 M 2268.

EXHIBIT-P4: TRUE COPIES OF THE AGREEMENT FOR SALE IN RESPECT OF VEHICLE NO.KL-11 D796.

EXHIBIT-P5: TRUE COPIES OF THE GOODS CARRIES PERMIT IN RESPECT OF VEHICLE NO.KL-03 M 2268.

EXHIBIT-P6: TRUE COPIES OF THE GOOD CARRIES PERMIT IN RESPECT OF VEHICLE NO.KL-11 D 796.

EXHIBIT-P7: TRUE COPY OF THE F.I.R IN CRIME NO.589 OF 2015.

EXHIBIT-P8: TRUE COPY OF THE MAHAZAR IN CRIME NO.589 OF 2015.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J

W.P(C) No. 21117 of 2015

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 vehicles bearing registration Nos. KL 03 M 2268 and KL 11 D 796 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 additional 3rd respondent within two weeks. The 3rd respondent shall determine the amounts as directed herein. 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. On production of the receipt of payment before the 2nd respondent the vehicle shall be released forthwith.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge