

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. 21206 of 2015 (A)

PETITIONER :

**SIVASANKARAN NAIR, AGED 40 YEARS,
S/O.NANU NAIR, KANNANTHODATH, AVALUKUNNU P.O.
SOUTH ARIYAD VILLAGE, AMBALAPPUZHA TALUK,
ALAPPUZHA DISTRICT REPRESENTED BY HIS POWER
ATTORNEY HOLDER ANIL PRASAD
S/O.SIVASANKARAN NAIR, KANNANTHODATH, AVALUKUNNU P.O.
SOUTH ARIYAD VILLAGE, AMBALAPPUZHA TALUK,
ALAPPUZHA DISTRICT
(OWNER OF A LORRY BEARING REGISTRATION NO.KL-4-AC-1108).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS :

- 1. THE SUB INSPECTOR OF POLICE,
KADUTHURUTHY POLICE STATION,
KOTTAYAM DISTRICT-686611.**
- 2. THE STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**

BY SENIOR GOVERNMENT PLEADER SRI. BIJU MEENATOOR

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

bp

WP(C).No. 21206 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS :

P1: COPY OF THE MAHASSAR DT 7/7/2015 PREPARED BY THE R1.

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. VINOD CHANDRAN, J

W.P(C) No. 21206 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 vehicle alleging 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 petitioners contend that the petitioners would not seek for compounding and is ready to face prosecution.

2. In such circumstance, the respondent shall produce the vehicle before the Jurisdictional Magistrate, within two weeks hereafter. The petitioner is entitled to move an application before the Jurisdictional Magistrate for interim custody. The condition to be imposed is left to the discretion of the Jurisdictional Magistrate.

3. The petitioner if applying for compounding shall be permitted to do so only 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.

Writ petition would stand disposed of with the above directions.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge