

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 21740 of 2015 (N)

PETITIONER(S):

**BABU, AGED 30 YEARS,
CHOONDAPARAMBIL, CHIRAVALOOR P.O.,
PERUMBADAPPU VILLAGE, PONNANI TALUK,
MALAPPURAM DISTRICT.
(OWNER OF LORRY BEARING REGISTRATION NO.KL-40-B-1353).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE TAHSILDAR, PONNANI TALUK,
MALAPPURAM DISTRICT-679591.**
- 2. THE SUB INSPECTOR OF POLICE,
CHENGARAMKULAM POLICE STATION,
MALAPPURAM DISTRICT-679591.**
- * ADDL.R3 IMPEADED**
- 3. SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, MALAPPURAM.**

ADDL.R3 SUO MOTU IMPEADED AS PER ORDER DATED 20/7/2015.

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 21740 of 2015 (N)

APPENDIX

PETITIONERS' EXHIBITS

P1: COPY OF THE MAHASSAR DATED 1/7/15 PREPARED BY THE R1.

RESPONDENTS' EXHIBIT

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J

W.P(C) No. 21740 of 2015

Dated this the 20th 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 bearing registration No. KL 40 B 1353 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 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. 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