

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

WP(C).No. 22422 of 2015 (C)

PETITIONER:

**SUNILKUMAR,AGED 35 YEARS,S/O.ANANDAN,
THAMARAKKATTIL HOUSE, BUDHANOOR MURI,
BUDHANOOR VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT**

BY ADV. SRI.AJITH MURALI

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, ALAPPUZHA,
ALAPPUZHA DISTRICT-688001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
CHENGANNUR,ALAPPUZHA DISTRICT-689121**
- 3. THE SUB INSPECTOR,CHENGANNUR POLICE STATION,
ALAPPUZHA DISTRICT-689121**
- 4. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE,ALAPPUZHA DISTRICT-688001**

R1 TO R4 BY SENIOR GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 22422 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:-THE TRUE COPY OF THE REPORT AND MAHZER PREPARED BY THE 3RD
RESPONDENT DTD 14/7/2015.**

**EXT.P2:-THE TRUE COPY OF THE ORDER NO.81/2015-16/MM/OE/DOA/1412/2015
DTD 6/7/2015 ISSUED BY THE 4TH RESPONDENT.**

**EXT.P3:-THE TRUE COPY OF THE PASS ISSUED BY THE 4TH RESPONDENT
DTD 14/7/2015.**

EXT.P4:-THE TRUE COPY OF THE REGISTRATION CERTIFICATE.

**EXT.P5:-PHOTO COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DTD 17/7/2015**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

atg

K. VINOD CHANDRAN, J

W.P(C) No. 22422 of 2015

Dated this the 31st 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 apply herein also. The petitioner shall produce the registration certificate of the said vehicle before the 4th respondent within two weeks. The 4th respondent shall determine the said amounts 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. On production of evidence of compounding having been effected by the 4th respondent the vehicle shall be released to the petitioner by the 3rd respondent.

Writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge