

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 22572 of 2015 (V)

PETITIONER :

**UDAYAKUMAR
S/O.NARAYANAN, AGED 29 YEARS
KODAVALLAM HOUSE, PULLUR P.O.,
KANHANGAD, KASARGODE
OWNER OF JCB BEARING NO. KL.60-B.405.**

BY ADV. SRI.S.SHAJAHAN (ADOOR)

RESPONDENT(S) :

**1. THE REVENUE DIVISIONAL OFFICER
KANHANGAD, KASARGODE - 671 315.**

**2. THE VILLAGE OFFICER
BELUR, KANHANAD, KASARGODE - 671 315.**

R1 & R2 BY GOVT. PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 22572 of 2015 (V)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1. COPY OF THE SAID SEIZURE MAHAZAR DATED 17.7.15 PREPARED BY
THE RESPONDENT.**

**EXHIBIT P2. COPY OF THE COMOUNDING APPLICATION MADE BY THE
PETITIONER.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J.

W.P.(C) No. 22572 of 2015 (V)

Dated this the 27th 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 JCB bearing registration No.KL-60-B-405 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 had 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

Rs.75,000/- (Rupees Seventy Five thousand only) to be the amount for release of the JCB and for compounding the offence against the user of the JCB. The very same direction shall apply herein also. The petitioner shall produce the registration certificate before the 2nd respondent. The 2nd respondent shall, on payment of the aforesaid sum, compound the offence. The compounding made shall be marked in the registration certificate of the vehicle and communicated to the Motor Vehicles Department.

Writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE