

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 22904 of 2014 (K)

PETITIONER(S):

**SATHEERTHIAN, S/O.VELAYUDHAN,
AGED 59 YEARS, ERANEZHATH HOUSE,
NATTIKA P.O., NATTIKA VILLAGE,
CHAVAKKAD TALUK, THRISSUR DISTRICT,
(OWNER OF LORRY BEARING REGISTRATION NO.KEH 237).**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S):

**THE ADDITIONAL SUB INSPECTOR OF POLICE,
KUNNAMKULAM POLICE STATION,
THRISSUR DISTRICT, PIN- 680 001.**

BY GOVT. PLEADER SMT.SUNITHA VINOD.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

WP(C).No. 22904 of 2014 (K)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT-P1: TRUE COPY OF THE SEIZURE MAHAZAR DATED 27.08.2014
PREPARED BY THE RESPONDENT.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22904 of 2014

Dated this the 11th day of February, 2015

J U D G M E N T

The petitioner is the owner of a lorry bearing Reg.No.KEH 237. On 27.08.2014, the vehicle was seized by the respondent under the provisions of the Kerala Minor Mineral Concession Rules, 1967 on the allegation that the vehicle was used for unauthorized transportation of ordinary earth as per Ext.P1 seizure mahazar. As per Rule 48K of the Kerala Minor Mineral Concession Rules, 1967, pass is required only for selling and purchasing ordinary earth by the dealer or producer. Therefore, according to the petitioner, as he is not a dealer or producer and he transported ordinary earth only for his own use, the seizure of the vehicle by the respondent is illegal. It is with this background, the petitioner has come up before this Court.

2. This Court, by interim order dated 29.08.2014, ordered release of the vehicle to the petitioner on payment of a sum of ₹25,000/- (Rupees twenty five thousand only)

..2..

by petitioner, subject to further orders to be passed in the writ petition.

3. Today, when the matter was taken up, the learned counsel for the petitioner submitted that the petitioner is ready to compound the offences.

Therefore, this Court is of the view that the writ petition can be disposed of permitting the petitioner to compound the offences.

The petitioner shall file a compounding petition within a period of one month from the date of receipt of a copy of this judgment. In the event of filing the compounding petition, the respondent shall appropriate the amount deposited by the petitioner towards fine, to be paid by him. After compounding the offences, the respondent shall report the fact to the Magistrate's Court concerned so that further proceedings could be dropped.

The writ petition is disposed of as above.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-