

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 25489 of 2013 (I)

PETITIONER :

**JIJO MATHAI, S/O.MATHAI,AGED 34 YEARS,
PAINADATH HOUSE, NADUVATTOM P.O.,
KALADY,ERNAKULAM DISTRICT,
(OWNER OF A JCB BEARING REGISTRATION NO.KL-41-C-3383).**

**BY ADVS.SRI.K.S.DILU CHAKRAVARTHI
SRI.M.M.ANSAR**

RESPONDENT :

**THE VILLAGE OFFICER,
ERAMALLUR VILLAGE, ERNAKULAM DISTRICT,
PIN-686 692.**

BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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WP(C).NO.25489/2013

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE SEIZURE MAHAZAR DATED 14/10/2013 PREPARED BY THE RESPONDENT.**
- P2 COPY OF THE INTERIM ORDER OF THIS HONOURABLE COURT DATED 23/7/2013 IN WPC.NO.18247 OF 2013**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 25489 of 2013

Dated this the 16th day of February, 2015

J U D G M E N T

The petitioner is the owner of an excavator bearing Reg.No.KL-41-C-3383, which was seized on 14.10.2013 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 red earth as per Ext.P1 mahazar. The petitioner alleges that the respondent is not an authorized officer under the Mines and Minerals Development and Regulation Act or the Rules framed thereunder. Therefore, according to the petitioner, the seizure of the vehicle by the respondent is illegal and beyond his jurisdiction. It is with this background, the petitioner has come up before this Court.

2. This Court, by interim order dated 18.10.2013, ordered release of the vehicle to the petitioner on his depositing of a sum of ₹25,000/- (Rupees twenty five

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thousand only) with the respondent. It was further directed that the petitioner should also execute a simple bond, undertaking to produce the vehicle as and when directed and not to alienate the same pending the writ petition.

This Court is of the view that the writ petition can be disposed of permitting the petitioner to compound the offences. If the petitioner is ready to compound the offences, he 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 respondents 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/-