

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 22941 of 2015 (P)

PETITIONER:

THYAGARAJ.K,S/O.KANTHASWAMY, AGED 31 YEARS,
VADYARCHALLA HOUSE, PAMPALLAM,
PUDUSSERY P.O., PALAKKAD DT.
(REGISTERED OWNER OF ARTICULATED VEHICLE KL-09-Q/3487).

BY ADVS.SRI.SHOBY K.FRANCIS
SMT.MISHAL M.DASAN

RESPONDENTS:

1. SUB - INSPECTOR OF POLICE,
KASABA POLICE STATION, PALAKKAD-678 001.
2. DISTRICT COLLECTOR,
COLLECTORATE, PALAKKAD-678 001.

*ADDL.R3 IMPEADED

*ADDL.R3: THE SENIOR GEOLOGIST, PALAKKAD.

*ADDL.R3 IS SUO MOTU IMPEADED AS PER JUDGMENT DATED 29/07/2015

BY GOVERNMENT PLEADER SMT. C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

sts

WP(C).No. 22941 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 TRUE COPY OF THE REGISTRATION CERTIFICATE DATED 4-1-2005 OF THE VEHICLE KL-09-Q/3487.
- P2 TRUE COPY OF THE SEIZURE MAHAZAR DATED 21-7-2015 ISSUED BY THE 1ST RESPONDENT
- P3 TRUE COPY OF THE REQUEST DATED 22-7-2015 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT FOR COMPOUNDING THE CASE UNDER SEC.60(A)(1) OF THE KERALA MINOR MINERAL CONCESSION RULES,1967.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

W.P(C). No.22941 of 2015

Dated this the 29th day of July, 2015.

JUDGMENT

The petitioner in the above writ petition is aggrieved with the seizure of his vehicle for alleged commission of offence under the Kerala 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 also apply herein also. The petitioner shall produce the registration certificate of the vehicle before the additional 3rd respondent *suo motu* impleaded within two weeks. The additional 3rd respondent shall determine the said amount 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. The petitioner shall produce evidence of the compounding fees paid before the 2nd respondent, who shall immediately release the vehicle.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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