

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 23673 of 2015 (H)

PETITIONER(S):

**P.M CHACKO, AGED 60 YEARS,
S/O.MATHAN ANTHRAYOSE, PAYIPRA, MALAM P.O,
MANARGAD VILLAGE, KOTTAYAM TALUK, KOTTAYAM DISTRICT,
(OWNER OF A LORRY BEARING REGISTRATION NO. KL.05.Y.1634).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE VILLAGE OFFICER
MUTTAMBALAM VILLAGE, KOTTAYAM DISTRICT. 679 591.**
- 2. ADDITIONAL TAHSILDAR,
KOTTAYAM, KOTTAYAM DISTRICT. 679 591.**
- 3. THE SUB INSPECTOR OF POLICE,
KOTTAYAM EAST POLICE STATION, KOTTAYAM DISTRICT- 679 591.**

*** ADDL.R4 IMPEADED**

- 4. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, KOTTAYAM.**

ADDL.R4 SUO MOTU IMPEADED AS PER ORDER DATED 5/8/2015.

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 23673 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. COPY OF THE MAHASSAR DATED 25.7.15 PREAPRED BY THE IST
RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.

=====

W.P.(C) No.23673 of 2015 - H

=====

Dated this the 5th day of August, 2015

J U D G M E N T

The petitioner is aggrieved insofar as the lorry bearing registration No. KL-05-Y-1634 was seized by the 1st respondent. The petitioner contends that the petitioner would not seek for compounding and is ready to face prosecution.

2. In such circumstance, the petitioner shall surrender the vehicle to the 1st respondent within a period of one week from today and the 1st respondent shall produce the same before the Jurisdictional Magistrate, within one week thereafter and the petitioner can approach the jurisdictional Magistrate within a period of one week from today. The petitioner is entitled to move an application before the Jurisdictional Magistrate for interim custody. The condition to be imposed is left to the discretion of the Jurisdictional Magistrate.

3. The petitioner if applying for compounding shall be permitted to do so only 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 vehicles which had been seized. The very same direction in W.P(C) No.14605/2015 and connected cases, shall apply herein also. The petitioner shall produce the registration certificate before the additional 4th respondent suo motu impleaded within two weeks, and if not the vehicle shall be liable for seizure. The additional 4th 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 Vehicle Department.

Writ petition would stand disposed of with the above directions.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //
P.A to Judge.