

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. 23713 of 2015 (L)

PETITIONER(S):

**PRAKASAN, S/O.SANKUNNI,
RESIDING AT MOORKKATH, ALAMCODE P.O.,
ALAMCODE VILLAGE, PONNANI TALUK,
MALAPPURAM DISTRICT-679585.**

**BY ADVS.SRI.E.C.BINEESH
SMT.M.B.SHYNI**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
MALAPPURAM DISTRICT, UP HILL, MALAPPURAM-676505.**
- 2. THE TAHSILDAR, PONNANI TALUK OFFICE,
MALAPPURAM DISTRICT-679586.**
- 3. THE STATION HOUSE OFFICER,
CHANGARAMKULAM POLICE STATION,
MALAPPURAM DISTRICT-67001.**

*** ADDL.R4 IMPEADED**

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

ADDL.R4 SUO MOTU IMPEADED AS PER ORDER DATED 5/8/15.

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. 23713 of 2015 (L)

APPENDIX

PETITIONERS' EXHIBITS

P1: COPY OF THE MAHAZAR PREPARED BY THE R2 DATED 30/7/2015.

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.

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W.P.(C) No.23713 of 2015 - L

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Dated this the 5th day of August, 2015

J U D G M E N T

The petitioner in the above writ petition is aggrieved with the seizure of his vehicle for alleged commission of offence under the Mines and Mineral (Development and Regulation) Act, 2015. The petitioner had made an application for compounding the offence under the MMDR Act, 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 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 is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge.