

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 23758 of 2015 (T)

PETITIONER:

**JOJO JOSEPH, S/O.GEORGE,
AGED 41 YEARS, HOUSE NO.4/293,
RESIDING AT VADAKKUMPADATH HOUSE,
MULLAPUZHACHAL, P.O.AAYAVANDA,
MUVATTUPUZZHA,
ERNAKULAM DISTRICT, PINCODE-688 860.**

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT(S):

- 1. STATE OF KERALA,
DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT,
TRIVANDRAN-695 010,
REPRESENTED BY ITS SECRETARY.**
- 2. DISTRICT COLLECTOR, ERNAKULAM,
MINI CIVIL STATION, COLLECTORATE
KAKKANAD, COCHIN - 682 030.**
- 3. VILLAGE OFFICER, KODIKULAM,
THODUPUZZHA TALUK, IDUKKI DISTRICT,
PIN CODE- 685 607.**
- 4. SUB INSPECTOR OF POLICE, KALIYAR,
IDUKKI DISTRICT, PIN CODE-685 607.**

BY SENIOR GOVT. PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : THE TRUE COPY OF THE REGISTRATION PARTICULARS OF THE VEHICLE BEARING REGISTRATION NO.KL-17/H/6420 OF THE PETITIONER.
- EXT. P2 : THE TRUE COPY OF THE SEIZURE MAHAZAR BEARING NO.235/2015 PREPARED BY THE 3RD RESPONDENT VILLAGE OFFICER, KALIYAR VILLAGE.
- EXT. P3 : THE TRUE COPY OF THE MINERAL TRANSACT PASS NO.53/15-16/DO/215/M/15 DATED 6.7.2015 ISSUED BY THE MINERAL REVENUE INSPECTOR FOR DISPATCH OF MINERALS UP TO 20.7.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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K. VINOD CHANDRAN, J.

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W.P.(C) No.23758 of 2015 - T

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Dated this the 6th 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 (for brevity, KMMDR Act). The petitioner seeks for compounding the offence under the KMMDR 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.75,000/- (Rupees seventy five

W.P.(C) No.23758 of 2015 - T

thousand only). The very same direction shall apply herein also. 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.

Writ petition is disposed of.

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

SB

// true copy //

P.A to Judge.