

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

WP(C).No. 23925 of 2015 (M)

PETITIONER :

**CHELLESH
S/O.MAYANDI, AGED 39 YEARS
KOVIL HOUSE, NENMARA P.O.,
VALLANGHY VILLAGE, CHITTOOR TALUK
PALAKKAD DISTRICT
(OWNER OF JCB BEARING REGISTRATION NO.KL.03.G.9958)**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE INSPECTOR OF POLICE,
NENMARA POLICE STATION, PALAKKAD DISTRICT,
PIN - 678508.**
- 2. THE STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
INDUSTRIES DEPARTMENT, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**

***ADDL. R3 IMPEADED**

***ADDL. R3. SENIOR GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY
DISTRICT OFFICE, PALAKKAD**

***IS SUO MOTU IMPEADED AS 3RD RESPONDENT PER ORDER DATED
07/08/2015.**

R1, R2 & ADDL. R3 BY GOVT. PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 23925 of 2015 (M)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1. COPY OF THE MAHASSAR DATED 8.7.15 PREPARED BY THE FIRST
RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J

W.P(C) No. 23925 of 2015 M

Dated this the 07th 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 bearing registration No. KL 03G 9958 for alleged commission of offence under the Kerala Minor Mineral Concession Rules 2015(for short KMMC Rules) and Mines and Mineral (Development and Regulation) Act, 2015. The petitioners contend that the petitioners would not seek for compounding and is ready to face prosecution.

2. In such circumstance, the respondent shall produce the vehicle before the Jurisdictional Magistrate, within two weeks. 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 vehicle which had been seized.

Writ petition would stand disposed of with the above directions.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge