

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 27105 of 2013 (K)

PETITIONER:

**AJAYAN, S/O. MADHAVAN, AGED 34 YEARS,
KIZHUPULLY HOUSE, THRIKKUR DESOM,
THRIKKUR VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR (OWNER OF EX-110-TATA HITACHI).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE
CHERUTHURUTHY POLICE STATION,
THRISSUR DISTRICT, PIN - 680 503.**
- 2. THE REVENUE DIVISIONAL OFFICER,
THRISSUR, CIVIL STATION,
THRISSUR, PIN - 680 001.**
- 3. THE DISTRICT GEOLOGIST,
THRISSUR, CIVIL STATION,
THRISSUR, PIN - 680 001.**

BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

WP(C).No. 27105 of 2013 (K)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1- TRUE COPY OF THE FIRST INFORMATION REPORT NUMBER 987 OF 2013 DATED 28-10-2013 OF CHERUTHURUTHY POLICE STATION.

EXHIBIT P2- TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER DATED 06-09-2013.

EXHIBIT P3- TRUE COPY OF THE QUARRYING PERMIT ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER DATED 08-10-2013.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 27105 of 2013

Dated this the 19th day of January, 2015

J U D G M E N T

The petitioner is the owner of a vehicle bearing No.EX-110 TATA HITACHI, which was seized as per Ext.P1 FIR on 28.10.2013 by the 1st respondent under the provisions of the Kerala Minor Mineral Concession Rules, 1967 on the allegation that the petitioner mined earth using the said vehicle without any authority and permission, violating the provision under the Kerala Minor Mineral Concession Rules, 1967. The petitioner alleges that the allegations levelled against him and his vehicle are wrong and baseless. According to him, he removed earth from the property situated in Sy.No.22/2 of Attur Village on the basis of no objection certificate dated 06.09.2013 issued by the 2nd respondent and quarrying permit dated 08.10.2013; and therefore, the seizure by the 1st respondent is illegal and vehicle is liable to be

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released to the petitioner. It is with this background, the petitioner has come up before this Court.

2. This Court, by interim order dated 05.11.2013, ordered release of the vehicle bearing No.EX-110 TATA HITACHI to the petitioner on satisfaction of a sum of ₹25,000/- (Rupees twenty five thousand only) before the concerned respondent/Sub Inspector of Police and on executing a simple bond, undertaking to produce the vehicle as and when called for and that the vehicle would not be alienated or encumbered during pendency of further proceedings.

3. Today, when the matter came up for hearing, the learned counsel for the petitioner submitted that on the basis of the aforesaid direction, the amount has been deposited; and the petitioner got the vehicle released. It is also submitted that the petitioner is ready to get the offences compounded.

Therefore, the writ petition is disposed of permitting the petitioner to compound the offences and permitting

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the respondents to appropriate the amount deposited by the petitioner towards fine to be paid by him. After compounding the offences, the 1st respondent shall report the fact to the Magistrate's Court concerned so that further proceedings could be dropped.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-