

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 25071 of 2015 (H)

PETITIONER :

**RAJEEV.R., AGED 32 YEARS,S/O.RAJU,
RAJEEV BHAVANAM, MULAKUZHA P.O.,
CHENGANNUR, ALAPPUZHA DISTRICT -689 505.**

**BY ADVS.SRI.RAAJESH S.SUBRAHMANIAN
SRI.V.R.RAJESH**

RESPONDENT(S):

- 1. REVENUE DIVISIONAL OFFICER,
CHENGANNUR -689 121**
- 2. SUB INSPECTOR OF POLICE,
CHENGANNUR -689 121.**
- 3. GEOLOGIST,
DEPARTMENT OF MINING & GEOLOGY,
ALAPPUZHA -688 524.**

BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 25071 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE BEARING NO.KL- 40- A- 3909.
- P2- TRUE COPY OF THE SEIZURE MAHAZAR DATED 4.8.2015 PREPARED BY THE RESPONDENT
- P3- TRUE COPY OF THE REPORT DATED 5.8.15 SUBMITTED BEFORE THE 2ND RESPONDENT
- P4- TRUE COPY OF THE ORDER DATED 29.7.15 BEARING NO.107/15-16/MM/OE/DEO/1137/15 ISSUED BY THE 3RD RESPONDENT
- P5- TRUE COPY OF THE MINERAL TRANSIT PASS BEARING NO.93 ISSUED BY THE 3RD RESPONDENT

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

W.P.(C) No. 25071 of 2015 (H)

Dated this the 20th 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 and Kerala Minor Mineral Concession Rules 2015 (for short KMMC Rules). The petitioner submits that he had a valid pass. The learned Government Pleader, on instructions, submits that the matter has been transmitted to the 1st respondent. In such circumstance, the 1st petitioner shall consider the issue, in accordance with law. However, if compounding is sought for, it shall be allowed on the following terms.

2. In a batch of writ petitions numbered as W.P.(C) No.14605 of 2015 and connected cases, this Court had 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.

3. If compounding is not sought for then the R.D.O., shall dispose of the matter expeditiously after verifying the contention of the petitioner, at any rate within three weeks from the date of receipt of the certified copy of the judgment.

Writ petition is disposed of as above.

Sd/-
K.VINOD CHANDRAN,
JUDGE