

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936**

**WP(C).No. 28088 of 2013 (I)**  
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**PETITIONER(S):**  
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1. MANOJ, S/O.GANGADHARAN,  
PUNNOR THEKKETHIL HOUSE,  
EVOOR SOUTH, KEERIKKADU P.O.,  
KAYAMKULAM.
2. OMANAKUTTAN, S/O.KUNJUPILLAI,  
RANDAMKALATHIL VEEDU, MUTTAM KARA,  
CHEPPADU, KAYAMKULAM.

**BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)**

**RESPONDENT(S):**  
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1. STATE OF KERALA,  
REPRESENTED BY CHIEF SECRETARY,  
GOVERNMENT OF KERALA, GOVT.SECRETARIAT,  
THIRUVANANTHAPURAM-695001.
2. DISTRICT COLLECTOR,  
PATHANAMTHITTA-689545.
3. DISTRICT POLICE CHIEF,  
PATHANAMTHITTA-689545.
4. THE SUB INSPECTOR OF POLICE,  
ADOOR-689511.
5. DIRECTOR OF MINING AND GEOLOGY,  
DEPARTMENT OF MINING AND GEOLOGY,  
THIRUVANANTHAPURAM - 695001.

**BY GOVERNMENT PLEADER SMT.SUNITHA VINOD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**mbr/**

**WP(C).No. 28088 of 2013 (I)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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**EXHIBIT P1 : TRUE COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE  
NO.KL-40 D-7854.**

**EXHIBIT P2 : TRUE COPY OF THE FIR PREPARED BY THE SUB INSPECTOR OF  
POLICE, ADOOR.**

**EXHIBIT P3 : TRUE COPY OF THE NOTIFICATION NO.20553/K2/88/ID  
DATED 22-12-1988 (SRO 139/89 DATED 24-1-1989).**

**EXHIBIT P4 : TRUE COPY OF THE NOTIFICATION ISSUED UNDER SRO 827/91  
PUBLISHED ON 26-6-1991.**

**RESPONDENT(S)' EXHIBITS:** - **NIL**  
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**/TRUE COPY/**

**P.S. TO JUDGE**

**mbr/**

**A.V. RAMAKRISHNA PILLAI, J.**

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**W.P.(C) No. 28088 of 2013**  
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**Dated this the 13<sup>th</sup> day of February, 2015**

**J U D G M E N T**

The 1<sup>st</sup> petitioner is the owner of a lorry bearing Reg.No.KL-40 D-7854 and the 2<sup>nd</sup> petitioner is the driver of the lorry. The said vehicle was seized on 11.11.2013 by the 4<sup>th</sup> respondent alleging violation of Section 4 r/w Section 21 of the Mines & Mineral (Development and Regulation Act) Act and Section 279 of IPC as per Ext.P2 FIR, and Crime No.2039/2013 was registered. The petitioners allege that the 4<sup>th</sup> respondent is not an authorized officer under the Mines and Minerals (Development and Regulation) Act or the Rules framed thereunder. Therefore, according to the petitioners, the seizure of the vehicle by the 4<sup>th</sup> respondent is illegal and beyond his jurisdiction. It is with this background, the petitioners have come up before this Court.

2. This Court, by interim order dated 15.11.2013, ordered release of the vehicle to the petitioners on satisfaction of a sum of ₹25,000/- (Rupees twenty five thousand only) before the concerned respondent/Sub

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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 petitioners submitted that on the basis of the aforesaid direction, the amount has been deposited; and the petitioners got the vehicle released. It is also submitted that the petitioners are ready to get the offences compounded.

Therefore, the writ petition is disposed of permitting the petitioners to compound the offences and permitting the respondents to appropriate the amounts deposited by the petitioners towards fine, to be paid by them. After compounding the offences, the 4<sup>th</sup> 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/-