

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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937**

**WP(C).No. 26849 of 2015 (E)**  
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**PETITIONERS:-:**  
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**BABU C.P., AGED 30 YEARS,  
S/O.ABOOBACKER, CHOONDAPARAMBIL HOUSE,  
PERUMBADAPPU VILLAGE, CHIRAVALLOR P.O.,  
MALAPPURAM DISTRICT - 679 575. (REGISTERED  
OWNER OF KL-40/B-1353).**

**BY ADV. SRI.SHOBY K.FRANCIS**

**RESPONDENT(S):**  
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- 1. THE REVENUE DIVISIONAL OFFICER,  
OFFICE OF THE RDO, TIRUR P.O., TIRUR,  
MALAPPURAM DISTRICT, PIN - 676 101.**
- 2. TAHASILDAR,  
TALUK OFFICE, PONNANI TALUK, PONNANI P.O.,  
MALAPPURAM DISTRICT - 679 591.**
- 3. THE SUB INSPECTOR OF POLICE,  
CHANGARAMKULAM POLICE STATION, CHANGARAMKULAM P.O.,  
MALAPPURAM DISTRICT - 679 591.**
- 4. SENIOR GEOLOGIST,  
DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE,  
MALAPPURAM - 676 505.**

**BY GOVERNMENT PLEADER SMT.C.K.SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 07-09-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**PJ**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXHIBIT P1. TRUE COPY OF REGISTRATION CERTIFICATE DATED 21.06.2008 OF THE VEHICLE KL-40/B-1353.**
- EXHIBIT P2. TRUE COPY OF THE SEIZURE MAHAZAR DATED 01.07.15 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.**
- EXHIBIT P3. TRUE COPY OF THE JUDGMENT IN WPC NO.21740/2015 DATED 20.07.2015.**
- EXHIBIT P4. TRUE COPY OF APPLICATION DATED 04.07.2015 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.**
- EXHIBIT P5. TRUE COPY OF THE ORDER DATED 24.08.2015 ISSUED BY THE 1ST RESPONDENT IN J-7543/15 TO THE PETITIONER.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C) No.26849 of 2015**

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**Dated this the 7<sup>th</sup> day of September, 2015**

**JUDGMENT**

The petitioner has approached this Court seeking a direction to the respondents to release the vehicle, which was seized for contravening the provisions of the Kerala Minor Mineral Concession Rules, 2015. The petitioner had approached this Court in W.P.(C) No.21740/2015 and this Court ordered that if the petitioner is applying for compounding, the vehicle shall be released to him on payment of Rs.50,000/- as also double the amount of royalty. Thereafter, the petitioner had approached the Revenue Divisional Officer. The Revenue Divisional Officer ordered to release the vehicle on payment of Rs.25,000/- being the compound fee.

2. It is to be noted that the Officer who is authorised under Section 22(1) of the Kerala Mines and Mineral (Development and Regulation), Act, 2015 alone has competency to compound the offence. The Revenue Divisional Officer is not a competent officer under the Act to file a complaint.

3. In that view of the matter, this Court is of the view that the fourth respondent is one of the authorised officers under the Act, can compound the offence. Therefore, following directions are issued:

If the petitioner approaches the fourth respondent, the fourth respondent shall pass an order for compounding the offence within three days from the date of receipt of filing of such application. The fourth respondent is free to fix the compounding fee for the release of the vehicle.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

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