

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 28389 of 2015 (W)

PETITIONER(S) :

1. **OMANA**
W/O. RAJENDRAN, AGED 61 YEARS
VATTATHARA HOUSE, CHOTTY KARA
CHITTADY P.O., KANJIRAPALLY TALUK
KOTTAYAM DISTRICT.
2. **JOJAN KURIAN**
S/O. KURIYAKOSE M.J.,
MANJANANICKAL HOUSE
CHITTADY P.O., CHOTTY KARA
KANJIRAPALLY TALUK
KOTTAYAM DISTRICT.

BY ADV. SRI.A.C.DEVASIA

RESPONDENT(S) :

1. **STATE OF KERALA**
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM – 695 001.
2. **SUB INSPECTOR OF POLICE**
KANJIRAPALLY POLICE STATION
KANJIRAPALLY, KOTTAYAM DISTRICT – 686 001.
3. **ADDL. DISTRICT MAGISTRATE**
COLLECTORATE, KOTTAYAM
KOTTAYAM DISTRICT – 686 001.

R1 TO R3 BY GOVT. PLEADER SMT. C.K. SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE INVOICE ISSUED IN FAVOUR OF SABU MATHEW DATED 25/9/2010 AND SALE AGREEMENT DATED 21/2/2015.

EXT.P2 COPIES OF THE CERTIFICATE OF REGISTRATION DATED 14/8/2009, TRUE COPY OF THE TAX PAID RECEIPT DATED 01/04/2015, TRUE COPY OF THE POLLUTION CONTROL CERTIFICATE DATED 31/7/2015, TRUE COPY OF THE FITNESS CERTIFICATE DATED 31/7/2015, TRUE COPY OF THE GOODS CARRIAGE PERMIT DATED 5/9/2014, TRUE COPY OF THE ELECTRIC SPEED LIMITATION DEVICE DATED 12/8/2009, TRUE COPY OF THE INSURANCE DATED 15/8/2015.

EXT.P3 COPY OF THE BUILDING PERMIT DATED 7/8/2015.

EXT.P4 COPY OF THE MAHAZAR DATED 14/9/2015.

EXT.P5 COPY OF THE REPRESENTATION DATED 15/9/2015.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 28389 of 2015

Dated this the 18th day of September, 2015

J U D G M E N T

First petitioner is the owner of a hitachi bearing machine serial No.HHIHN102TA0000644 Hunyadi Hydraulic excavator model R80-7. Petitioners submit that their vehicle has been seized in contravention of the provisions of Kerala Minor Mineral Concession Rules,1967 and the Kerala Minerals (Prevention of Illegal Mining, Storage and Transportation)Rules,2015. Petitioners also submit that they are prepared to compound the offence. In view of the above, there shall be a direction to the second respondent to report the seizure before the District Collector, Kottayam within a period of three days from the date of receipt of a copy of this judgment. Thereafter, the District Collector, if it is compoundable under the Kerala Minor Mineral Concession Rules,1967, shall permit the petitioners to compound the offence on the compounding fee fixed by

the District Collector after adverting to the nature of the offence. Needful shall be done by the District Collector within a period of three weeks from the date of receipt of a copy of this judgment.

This writ petition is disposed of with the above direction.

A.MUHAMED MUSTAQUE,
Judge

MBS/

WP(C).NO.28389 OF 2015

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