

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 28661 of 2014 (G)

PETITIONER(S) :

SOMARAJAN AGED 48 YEARS
S/O. NARAYANAN, OLAVARAYIKKAL, NELLIKATTIRI P.O.
THIRUMITTAKODE VILLAGE, PATTAMBI TALUK
PALAKKAD DISTRICT. (OWNER OF A LORRY
BEARING REGISTRATION NO.KL-52/A 6695) .

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

THE DEPUTY THAHASILDAR (INSPECTION)
TALUK OFFICE, OTTAPALAM, PALAKKAD DISTRICT-679 303.

BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 28661 of 2014 (G)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : COPY OF THE SEIZURE MAHAZAR DATED 28.10.2014 PREPARED BY THE
RESPONDENT.

RESPONDENT(S) ' EXHIBITS NIL

//TRUE COPY//

P.A TO JUDGE

vdv

A.V.RAMAKRISHNA PILLAI, J.

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W.P.(C) No.28661 of 2014

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Dated this the 25th day of March, 2015

JUDGMENT

The petitioner is the owner of a Tipper Lorry bearing Reg.No.KL-52-A-6695, which was seized on 28.10.2014 by the respondent under the provisions of the Kerala Minor Mineral Concession Rules, 1967 on the allegation that the vehicle was used for unauthorized transportation of red earth. The petitioner alleges that the respondent is not an authorized officer under the Mines and Minerals (Development and Regulation) Act or the Rules framed thereunder. Therefore, according to the petitioner, the seizure of the vehicle by the respondent is illegal and beyond his jurisdiction. It is with this background, the petitioner has come up before this Court.

2. This Court, by interim order dated 31.10.2014, ordered release of the vehicle to the petitioner on satisfaction of a sum of ₹25,000/- (Rupees twenty five thousand only) before the concerned respondent 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. This Court is of the view that the writ petition can be disposed of permitting the petitioner to compound the offences. If the petitioner is ready to compound the offences, he shall file a compounding petition within a period of one month from the date of receipt of a copy of this judgment. In the event of filing the compounding petition, the respondents shall appropriate the amount deposited by the petitioner towards fine, to be paid by him. After compounding the offences, the respondent shall report the fact to the Magistrate's Court concerned so that further proceedings could be dropped.

The writ petition is disposed of as above.

Sd/-
A.V.RAMAKRISHNA PILLAI (JUDGE)

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