

(2014) 02 KL CK 0067

In the High Court Of Kerala

Case No : Writ Petition (C) No. 3187 of 2014 (W)

Faisal

APPELLANT

Vs

The Deputy Tahasildar (Inspection)

RESPONDENT

Date of Decision : 03-02-2014

Acts Referred:

Citation : (2014) 02 KL CK 0067

Hon'ble Judges : P.N. Ravindran, J

Bench : Single Bench

Advocate : P.M. Ziraj, for the Appellant; Anitha Ravindran, Sr. Government Pleader, for the Respondent

Final Decision : Disposed Off

Judgement

P.N. Ravindran, J.—The petitioner is the owner of a lorry bearing registration No. KL-07-AY-8260. It was seized by the respondent on 20.12.2013 on the allegation that it was used to excavate and remove ordinary earth without authority and permission thereby violating the provisions contained in the Mines and Minerals (Development and Regulation) Act, 1957 and the Kerala Minor Mineral Concession Rules, 1967. In this writ petition the petitioner prays for an order directing the respondent to consider the request made by him to compound the offence alleged against him and to direct the respondent to release the vehicle after such compounding. This Court has in identical circumstances disposed of W.P.(C) No. 1342 of 2014 by directing the competent authority to compound the offence upon payment of the sum of Rs. 25,000/- and by directing release of the motor vehicle involved upon such payment. It was also observed that once the offence is compounded, no prosecution shall be initiated against the petitioner, as held by this Court in Digil Vs. Sub Inspector of Police,

In such circumstances, I dispose of the writ petition with a direction to the respondent to accept the application submitted by the petitioner to compound the offence alleged against him upon payment of the sum of Rs. 25,000/- as compounding fee and to release the vehicle to the petitioner on the day the

payment of the sum of Rs. 25,000/- is effected. Needless to say, once the offence is compounded no prosecution shall be initiated against the petitioner in respect of the incident which led to the instant writ petition. Needless to say, if a report has already been lodged in the competent criminal court a further report to the effect that the offence has been compounded shall be filed.