

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

WA.No. 904 of 2008 (A) IN WP(C).37157/2007

AGAINST THE JUDGMENT IN WP(C) 37157/2007 DATED 15-01-2008

.....

APPELLANT/PETITIONER :

JAIMON M.J., S/O.AUGUSTY JOSEPH,
MOOZHICKAL HOUSE, KIDANGOOR P.O., KUMMANNOOR
KOTTAYAM DISTRICT.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS/RESPONDENTS :

1. THE DISTRICT COLLECTOR & OTHERS
2. THE SUB INSPECTOR OF POLICE,
KIDANGOOR, KOTTAYAM DISTRICT.
3. DEPUTY COLLECTOR (LR),
COLLECTORATE, KOTTAYAM.
4. VILLAGE OFFICER, KIDANGOOR,
KOTTAYAM DISTRICT.
5. STATE OF KERALA, DEPARTMENT OF REVENUE,
KERALA GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY SPL.GOVERNMENT PLEADER, SMT. GIRIJA GOPAL.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 31-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.A. No. 904 OF 2008

Dated this the 31st day of July, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the appellant and learned Government Pleader appearing for the respondents.

2. This writ appeal has been filed against the judgment dated 15.01.2008 passed in W.P.(C) No.37157 of 2007.

3. The appellant/petitioner had filed the writ petition challenging Exts.P4, P6 and P7 which were proceedings against the petitioner's vehicle under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 and the Rules framed thereunder. The value of the vehicle was fixed by the authorities under the impugned orders which was sought to be challenged by the petitioner in the writ petition. In the writ petition the petitioner had relied on an agreement of sale in which the value of the vehicle was mentioned as Rs.44,000/-. The statutory authorities by exercising the statutory power has fixed the value as Rs.75,000/-.

3. Learned Single Judge has considered the submissions and held that there is no error in determining the value of the

vehicle. Learned counsel for the appellant submits that the order of District Collector fixing the value at Rs.75,000/- is not based on any material, whereas the agreement which was submitted by the petitioner shows Rs.44,000/-.

4. The statutory authority has been given power to fix the value of a vehicle. Petitioner himself submits that the vehicle was a Mini Lorry of 1983 model. The District Collector, who is the statutory authority having come to a figure regarding the valuation, we are of the view that this Court in exercise of the jurisdiction shall not sit in appeal on the issue of fixing the value of a vehicle by statutory authority.

The learned Single Judge has considered the issue and decided not to interfere with the order passed by the statutory authority. We do not find any good ground to interfere with the appeal. The Writ Appeal is dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**