

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WA.No. 1733 of 2013 () IN WP(C).23297/2013

**AGAINST THE ORDER/JUDGMENT IN WP(C) 23297/2013 of HIGH COURT OF KERALA
DATED 24-09-2013**

APPELLANT/PETITIONER:

**MUHAMMED ALI
S/O.IBRAHIM, NARIKKUNNUMMEL HOUSE, THALIYIL AMSOM
THALEEKARA DESOM, VADAKARA TALUK, KOZHIKODE.**

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENTS/RESPONDENTS:

- 1. THE REVENUE DIVISIONAL OFFICER, KOZHIKODE
KOZHIKODE- 673 001.**
- 2. SUB INSPECTOR OF POLICE,
KOORACHUNDU POLICE STATION, KOZHIKODE - 673 014.**
- 3. THE JOINT REGIONAL TRANSPORT OFFICER,
SUB REGIONAL TRANSPORT OFFICE, KOYILANDI - 673 305.**
- 4. THE TRANSPORT COMMISSIONER,
2ND FLOOR, TRANS TOWERS, VAZHUTHACAUD
THIRUVANANTHAPURAM, PIN - 695 014.**
- 5. THE GOVERNMENT OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT
FINANCE (EXPENDITURE - B) DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 014.**

R3 BY ADV. SR GOVERNMENT PLEADER SRI.M.K.ABOOBACKER

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 26-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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Writ Appeal No. 1733 of 2013
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Dated this the 26th day of February, 2015

J U D G M E N T

Antony Dominic, J.

This appeal is filed by the petitioner in WP(C) No. 23297/13. The petitioner is the owner of a goods carriage vehicle bearing Regn.No.KL-18C-4807. On the allegation that the vehicle was used for the illegal transportation of river sand, it was seized in April, 2013. The vehicle was thereafter produced before the Judicial First Class Magistrate Court-I, Perambra. Petitioner filed CMP No.1816/13 before that Court for getting interim custody of the vehicle. The learned Magistrate called for a valuation report from the 3rd respondent. Accordingly, Ext.P1 valuation report was submitted where it was reported that the present estimated value of the vehicle was ₹3,00,000/-. Although the petitioner furnished security and got the vehicle released, he filed the writ petition contending that the valuation on the basis of which the report has been given is illegal and sought orders for fresh valuation. The learned Judge having dismissed the writ petition, this writ appeal is filed.

2. We heard the learned counsel for the appellant and also the learned Government Pleader appearing for the respondents.

3. Although it is the contention of the learned counsel for the appellant that the valuation is against Exts.P3, P4 and P5, from the statement filed by the 3rd respondent in this appeal, we notice that the valuation has been made applying the guidelines contained in Circular No.10/12, a copy of which is Annexure R3(a). The statement explains the general condition of the vehicle. It is stated that the cost of the vehicle in the year 2006, when it was purchased was ₹7,00,000/- and the maximum depreciation that could be granted was 60%. It is stated that applying the above yardstick, the value was fixed at ₹3,00,000/-. Although it is true that Ext.P1 report does not contain the basis of such valuation, from the statement filed by the 3rd respondent, it is obvious that it was applying Annexure R3(a) circular and also taking into account the general condition of the vehicle, ₹3,00,000/- was fixed. Such fixation of the value of the vehicle does not, in our view, suffer from any illegality as found by the learned single Judge.

4. We, therefore, are not inclined to interfere with the judgment under appeal.

Appeal is dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

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PA to Judge