

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C) .No. 6399 of 2008 (J)

PETITIONER(S) :

M.C.SUNDARAN, AGED 40 YEARS,
S/O.CHAATHAN, MANDAKATHUTHARAYIL HOUSE, ANDATHODU POST
CHAVAKKAD VIA, THRISSUR
(REGISTERED OWNER OF VEHICLE BEARING
REGISTRATION NO. KL-10-Q-6905)

BY ADVS.SRI.P.VIJAYA BHANU
SRI.P.VENUGOPAL (1086/92)

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR, MALAPPURAM.
MALAPPURAM
2. THE ADDITIONAL TAHSILDAR, PONNANI.
PONNANI
3. THAVANOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, THAVANOOR.

R,R3 BY ADV. SRI.MOHAN PULIKKAL
R,R3 BY ADV. SMT.MANJU RAJAN
R,R BY ADV. GOVERNMENT PLEADER ABHIJEET LESSLI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C).No. 6399 of 2008 (J)

PETITIONERS' EXHIBITS

- EXT P1: TRUE COPY OF THE LICENCE/ PERMIT NO.221 DATED 15.12.2001
ISSUED BY THE THIRD RESPONDENT
- EXT.P2: TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY THE 2ND
RESPONDENT DATED 17.12.2007
- EXT P3: TRUE COPY OF THE JUDGMENT IN WP(C) NO.38137/07 DATED
11.1.2008 OF THIS HON'BLE COURT
- EXT.P4: TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT
DATED 1.02.2008 OF THE 1ST RESPONDENT TO THE PETITIONER
- EXT.P5: TRUE COPY OF THE ORDER PASSED BY THE DISTRICT COLLECTOR
VIDE NO.P-5/57831/2007 DATED 14.2.2008

RESPONDENTS' NIL

NIL

// TRUE COPY //

PA TO JUDGE

K.SURENDRA MOHAN, J.

W.P.(C) No.6399 of 2008-

Dated this the 27th day of February, 2015

J U D G M E N T

The only issue that survives in this writ petition is whether the impugned order Exhibit P5 of the District Collector is sustainable or not.

2. The petitioner is the registered owner of a lorry bearing Regn.No.KL-10/Q-6905. The vehicle was detained on 17.12.2007, alleging that it was involved in the transportation of river sand from Moolappadikadavu-Paalapetty. The vehicle was having a permit, it is stated. However, the vehicle was delayed for the reason that some repairs had to be conducted, according to the petitioner. As per Exhibit P5, the first respondent has imposed a fine of ₹25,000/- on the petitioner.

2. According to the counsel for the petitioner, the first respondent has no authority to impose the fine. Reliance is placed on the decision of this Court in **Sanjayan**

v. Tahsildar [2007(4) KLT 597] to contend that, the action of the first respondent is without any authority.

3. Heard the counsel for the petitioner as well as the learned Government Pleader. In view of the dictum laid down by this Court in **Sanjayan v. Tahsildar** (Supra), it has to be held that, Exhibit P5 to the extent it has imposed a fine on the petitioner is unsustainable. Therefore, the same is set aside to the said extent.

4. It is submitted by the counsel for the petitioner that some amount has been deposited pursuant to Exhibit P5. Needless to observe that the petitioner shall be given credit for the said amount while, finalising further proceedings in the matter.

This writ petition is disposed of accordingly.

Sd/-
K.SURENDRA MOHAN,
JUDGE

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