

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.7936 of 2008 (T)

PETITIONER:

**P.MUHAMMED,S/O.MUHAMMED,
RATHUR HOUSE,MOOTHEM P.O.,
EDAKARA,NILAMBUR TALUK,
MALAPPURAM DISTRICT.
(REGISTERED OWNER OF MOTOR VEHICLE
(TRACTOR WITH TRAILOR)
BEARING REGISTRATION NO.KL-10-C/7170).**

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADV.SRI.P.VENUGOPAL**

RESPONDENT'S:

- 1. TAHSILDAR,NILAMBUR TALUK,NILAMBUR.**
- 2. THE DISTRICT COLLECTOR,MALAPPURAM.**

BY GOVT. PLEADER SRI.ABHIJETT LESLI

**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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APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:TRUE COPY OF THE MAHAZAR PREPARED BY THE 1ST RESPONDENT
DATED 21.11.2007.

EXT.P2:TRUE COPY OF THE LETTER SENT BY THE 1ST RESPONDENT TO THE
SECOND RESPONDENT DATED 25.2.2008.

EXT.P3:TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
TO SECOND RESPONDENT DATED 25.2.2008.

EXT.P4:TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT
DATED 25.1.2008.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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K.SURENDRA MOHAN, J.

W.P.(C) No.7936 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 P4 of the District Collector is sustainable or not.

2. The petitioner is the registered owner of a motor vehicle (Tractor with Trailor) bearing Regn.No.KL-10-C/7170. The vehicle was detained on 21.11.2007, alleging that it was involved in the transportation of river sand. The vehicle was having a permit, it is stated. As per Exhibit P4, the second respondent has imposed a fine of ₹25,000/- on the petitioner.

2. According to the counsel for the petitioner, the second 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 second 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 P4 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 P4. 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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