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. 9521 of 2008 (H)

PETITIONER:

P.ABDUL MAJEED, S/O.MUHAMMED,
PAYYANI HOUSE, EDAVANNA - POST,
MALAPPURAM DISTRICT.
(VEHICLE BEARING REG.NO.KL-9-A/1328)

BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADV. SRI.P.VENUGOPAL (1086/92)

RESPONDENT(S):

1. THE TAHSILDAR, ERNAD TALUK,
MALAPPURAM DISTRICT.

2. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI.ABIJETT LESSLI

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

mbr/

WP(C).No. 9521 of 2008 (H)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 : TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY THE FIRST RESPONDENT DATED 18.2.2008.

EXHIBIT P2 : TRUE COPY OF THE ORDER NO.P4-9705/2008(9) PASSED BY THE 2ND RESPONDENT DATED 15.3.2008.

RESPONDENT'S EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

K.SURENDRA MOHAN, J.

W.P.(C) No.9521 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 P2 of the District Collector is sustainable or not.

2. The petitioner is the registered owner of a motor vehicle bearing Regn.No.KL-09/A-1328. The vehicle was detained on 18.02.2008, alleging that it was involved in the transportation of river sand. The vehicle was having a permit, it is stated. As per Exhibit P2, 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 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 P2 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 P2. 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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