

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. 9761 of 2008 (K)

PETITIONER(S):

**REGHUNATHAN, S/O. VASU,
AGED 28 YEARS, KARAPPALLIYIL HOUSE, P.O.PULPAKARA
PATHANNOOR, MALAPPURAM DISTRICT. (RC OWNER OF THE
VEHICLE KL-10/F-8292).**

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
COLLECTORATE, MALAPPURAM.**
- 2. TAHSILDAR,
PONNANI TALUK, PONNANI, MALAPPURAM.**
- 3. SUB INSPECTOR OF POLICE,
PONNANI POLICE STATION, PONNANI, MALAPPURAM DIST.**

BY GOVERNMENT PLEADER SRI.ABHIJITH LESSLI

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

msv/

WP(C).No. 9761 of 2008 (K)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE
KL-10-F-8292 DTD.3.11.1997.**

**EXT.P2: TRUE COPY OF THE ON PERMIT DTD.6.10.2007 ISSUED TO THE PETITIONER
BY THE PONNANI MUNICIPALITY.**

**EXT.P3: TRUE COPY OF THE SEIZURE MAHAZAR DTD.10.10.2007 ISSUED BY THE
3RD RESPONDENT.**

**EXT.P4: TRUE COPY OF THE FINAL ORDER PASSED BY THE 2ND RESPONDENT
IN P-5/474111/2007 DTD.25.1.2008 IN THE MATTER OF KL-10-F-8292.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

K.SURENDRA MOHAN, J.

W.P.(C) No.9761 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 mini lorry bearing Regn.No.KL-10F-8292. The vehicle was detained on 10.10.2007, 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 first respondent has imposed a fine of ₹50,000/- 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 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.

**K.SURENDRA MOHAN,
JUDGE**

kkj