

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. 10071 of 2008 (Y)

PETITIONER:

**SAINUDEEN, S/O.ALAVI,
CHENGUNDAN HOUSE,
EDAYOOR, TIROOR,
MALAPPURAM DISTRICT.**

BY ADV. SRI.DILIP MOHAN

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
MALAPPURAM.**
- 2. TAHSILDAR,TIROOR.**

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. 10071 of 2008 (Y)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 : A TRUE COPY OF SALE AGREEMENT DATED 5.12.07.

EXHIBIT P2 : A TRUE COPY OF THE SEIZURE MAHAZAR.

**EXHIBIT P3 : A TRUE COPY OF THE ORDER DATED 14.3.08 OF THE
1ST RESPONDENT.**

RESPONDENT'S EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

K.SURENDRA MOHAN, J.

W.P.(C) No.10071 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 P3 of the District Collector is sustainable or not.

2. The petitioner is the registered owner of a lorry bearing Regn.No.KL-9/F 4833. The vehicle was detained on 05.01.2008, alleging that it was involved in the transportation of river sand. The vehicle was having a permit, it is stated. As per Exhibit P3, 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 P3 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 P3. 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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