

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 10161 of 2008 (I)

PETITIONER :

BABU, S/O. GOPALAN,
AGED 45 YEARS, VADAKKE PURAKKAL HOUSE
P.O. ERAMANGALAM, MALAPPURAM DISTRICT
(R.C.OWNER OF THE VEHICLE KL-18-9692).

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS :

1. DISTRICT COLLECTOR,
COLLECTORATE, MALAPPURAM.
2. TAHSILDAR, TIRUR TALUK,
TIRUR, MALAPPURAM.
3. SUB INSPECTOR OF POLICE,
KALPAKANCHERY POLICE STATION, KALPAKANCHERY
MALAPPURAM DISTRICT.

R BY SR. GOVERNMENT PLEADER SRI.E.M.ABDUL KHADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 10161 of 2008 (I)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE AGREEMENT DTD.29.6.07 OF THE VEHICLE KL-18-9692

EXT.P2 : COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE KL-18-9692
DTD.12.3.04

EXT.P3 : COPY OF THE SEIZURE MAHAZAR DTD.21.9.07 ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER

EXT.P4 : COPY OF THE OBJECTION DTD.10.01.08 SUBMITTED BY THE PETITIONER TO
RESPONDENT

EXT.P5 : COPY OF THE FINAL ORDER PASSED BY THE 1ST RESPONDENT IN P5/45378/08
DTD.15.01.2008

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

PA TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.10161 of 2008

Dated this the 2nd day of March, 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 Mahindra Nissan Mini Lorry bearing Registration No.KL-18-9692. The vehicle was detained on 21.09.2007, alleging that it was involved in the transportation of river sand. The vehicle was having a permit, it is stated. As per Exhibit P5, the first respondent has imposed a fine of ₹ 50,000/- on the petitioner.

3. 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.

4. 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.

5. 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.

AV