

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. 10172 of 2008 (J)

PETITIONER :

A. DILEEP, S/O.APPAYI
ARUKKUZHIYIL HOUSE, KATTAPPANA, IDUKKI.

BY ADV. SRI.PHM.BASHEER

RESPONDENTS :

1. STATE OF KERALA REP. BY
GOVERNMENT SECRETARIAT, TRIVANDRUM.
2. DISTRICT COLLECTOR, COLLECTORATE
KOTTAYAM.
3. THE TAHSILDAR, TALUK OFFICE, KOTTAYAM.

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. 10172 of 2008 (J)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE JUDGMENT DATED 11.3.2008

EXT.P2 : COPY OF THE OWNERSHIP CUM TAX RECEIPT NO.0416868

EXT.P3 : COPY OF THE STAY ORDER BY THE SUPREME COURT IN CC 2610/2008

EXT.P4 : COPY OF THE ORDER OF THE 2ND RESPONDENT IMPOUNDING THE PRICE OF THE VEHICLE DATED 22.3.2008

EXT.P5 : COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 2.4.2008

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.10172 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 Lorry bearing Registration No.KL-8-F-4343. 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 P5, the 2nd respondent has imposed a fine of ₹25,000/- on the petitioner.

3. According to the counsel for the petitioner, the 2nd 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 2nd 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