

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. 10607 of 2008 (K)

PETITIONER :

HASSAN KUNJI, S/O.BAVUTTY,
AGED 27 YEARS, AREEPARAMBIL HOUSE, B.P.ANGADY
PUTHUPPALI, P.O.TIRUR.

BY ADV. SRI.K.M.FIROZ

RESPONDENTS :

1. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT.
2. THE TAHSILDAR,
TALUK OFFICE, TIRUR, MALAPPURAM DISTRICT.
3. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

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. 10607 of 2008 (K)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE FINAL ORDER PASSED BY THE DISTRICT COLLECTOR DATED
25.10.2007

EXT.P2 : COPY OF THE RELEVANT EXTRACT OF THE RC BOOK VEHICLE NO.KL10-B 9234

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.10607 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 P1 of the District Collector is sustainable or not.

2. The petitioner is the registered owner of a 1994 mini vehicle bearing Registration No.KL10-B 9234. The vehicle was detained on 17.05.2007, alleging that it was involved in the transportation of river sand. The vehicle was having a permit, it is stated. As per Exhibit P1, the first respondent has imposed a fine of ₹25,000/- 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 P1 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 P1. 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