

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. 11783 of 2008 (C)

PETITIONER :

BIJU P.D., PONGAL HOUSE,
KAIPARAMBU P.O., THRISSUR DISTRICT.

BY ADV. SRI.DEEPU THANKAN

RESPONDENTS :

1. THE DISTRICT COLLECTOR, MALAPPURAM.

2. THE TAHASILDAR, PONNANI, MALAPPURAM.

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. 11783 of 2008 (C)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE SEIZURE MAHAZAR ISSUED BY THE DEPUTY TAHASILDAR
DATED 22/12/2007

EXT.P2 : COPY OF THE WRITTEN OBJECTION SUBMITTED BY THE PETITIONER DATED
27/12/2007 21.3.2005

EXT.P3 : COPY OF THE BILL 22/12/2007

EXT.P4 : COPY OF THE BILL DATED 22/12/2007

EXT.P5 : COPY OF THE ORDER ISSUED BY THE FIRST RESPONDENT DATED 22/03/2008

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.11783 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 tipper lorry bearing Registration No.KL-17-A 4284. The vehicle was detained on 22.12.2007, alleging that it was involved in the transportation of river sand. The vehicle was having a permit, it is stated. However, the vehicle was delayed for the reason that some repairs had to be conducted, according to the petitioner. As per Exhibit P5, the 1st respondent has imposed a fine of ₹25,000/- on the petitioner.

3. According to the counsel for the petitioner, the 1st 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 1st 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