

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

W.P(C).No.35168 of 2007(J)

PETITIONERS:

C.A.THOMAS, PROPRIETOR,
CHIRAPURATH VESSELS, KUNCHITHANNI,
IDUKKI DISTRICT.

BY ADV.SRI.T.S.RADHAKRISHNA PILLAI
SRI.T.R.RAJEEV

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO THE GOVERNMENT,
FOOD CIVIL SUPPLIES CONSUMER AFFAIRS DEPARTMENT,
THIRUVANANTHAPURAM.
2. THE DISTRICT COLLECTOR, IDUKKI.
3. THE DISTRICT SUPPLY OFFICES, IDUKKI.

BY GOVT. PLEADER, SRI.S.JAMAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20.07.2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

[P.T.O]

W.P(C) .No.35168/07(J)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1 TRUE COPY OF THE MAHAZAR DATED 2.11.06

EXHIBIT P2 TRUE COPY OF THE MEMO DATED 29.11.06

EXHIBIT P3 TRUE COPY OF THE REPLY DATED 07.01.07

EXHIBIT P4 TRUE COPY OF THE STATEMENT DATED 7.01.07

EXHIBIT P5 TRUE COPY OF THE ORDER DATED 1.09.07

RESPONDENTS' EXHIBITS: Nil

//TRUE COPY//

PA TO JUDGE

PtK/

K. VINOD CHANDRAN, J

W.P(C) No. 35168 of 2007

Dated this the 20th day of July, 2015

J U D G M E N T

The petitioner is aggrieved with Ext.P5 order confiscating the LPG cylinders from the shop room of the petitioner as also imposing a fine of Rs.25,000/-. On going through the Essential Commodities Act, 1955 and the Liquified Petroleum Gas(Regulation of use in Motor vehicles) Order, 2001, there is absolutely no provision by which the District Collector can impose a fine on an alleged offence detected on inspection. In such circumstance, Ext.P4 insofar as the imposition of fine is considered, would stand set aside. However, the prosecution if any, initiated against the petitioner shall be proceeded with.

Writ petition is disposed of. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge