

Kerala High Court

Lalji Gopinathan vs The Sub Collector (Rdo) on 27 January, 2011

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 1899 of 2011(J)

1. LALJI GOPINATHAN, SON OF GOPINATHAN,  
... Petitioner

Vs

1. THE SUB COLLECTOR (RDO),  
... Respondent

2. THE TAHSILDAR, CHENGANNUR,

3. THE DISTRICT COLLECTOR,

For Petitioner :SRI.G.HARIHARAN

For Respondent : No Appearance

The Hon'ble MR. Justice ANTONY DOMINIC

Dated :27/01/2011

O R D E R

ANTONY DOMINIC, J.

.....  
W.P.(C) No. 1899 of 2011 J  
.....

Dated this the 27th day of January, 2011

J U D G M E N T

Petitioner has approached this Court, aggrieved by clauses 1 and 4 of Ext.P4 order. According to the petitioner, he is the registered owner of vehicle bearing registration No.KL-5Q-1240. Proceedings were initiated under the Kerala Minor Mineral Concession Rules, 1967, and at that stage, petitioner approached this Court by filing W.P.(C) No.35086/2010. Pursuant to the directions in that case, the District Collector issued Ext.P4 order, giving interim custody of the vehicle to the petitioner. Clause

1 of Ext.P4 says that the vehicle shall not be used for transportation of gravel and clause 4 says that if the vehicle is involved in similar offence, the vehicle will not be given on interim custody. It is these two provisions of Ext.P4 which are challenged in this writ petition.

2. In my view, the aforesaid two conditions contained in Ext.P4 do not affect the petitioner to engage in any W.P.(C) No.1899/2011 legitimate activities. These provisions only mean that the vehicle cannot be used for illegitimate activities. If that be the purport of aforesaid provisions of Ext.P4, I am not persuaded to accept the plea of the petitioner that these provisions are illegal.

3. Therefore, clarifying the position as above, I dispose of this writ petition.

It is also clarified that, if according to the petitioner, the vehicle has been detained only for the reason that the vehicle has been engaged in transportation of gravel, on the production of a copy of this judgment, the third respondent will pass appropriate orders in the matter.

(ANTONY DOMINIC, JUDGE) aks