

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WA.No. 1966 of 2015 IN WP(C).17753/2015

AGAINST THE JUDGMENT IN WP(C) 17753/2015 A DATED 08-07-2015
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APPELLANTS/PETITIONERS :

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1. KUNHABDULLA AGED 58 YEARS
S/O.ITHELU, THENGILAKATH HOUSE, PUTHUR PO
KOTTAKKAL, MALAPPURAM DISTRICT
 2. HARIS AGED 32 YEARS
S/O.KUNHABULLA, THENGILAKATH HOUSE, PUTHUR PO
KOTTAKKAL, MALAPPURAM DISTRICT

BY ADVS.SRI.SHIRAZ ABDULLA
SRI.JOJO PAPPACHAN

RESPONDENT/RESPONDENTS :

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1. DISTRICT COLLECTOR
COLLECTORATE, MALAPPURAM DISTRICT
 2. THE VILLAGE OFFICER
KOTTAKKAL, TIRUR TALUK, MALAPPURAM DISTRICT

BY SPL.GOVERNMENT PLEADER, SMT. GIRIJA GOPAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 15-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.A. No. 1966 OF 2015

Dated this the 15th day of September, 2015

JUDGMENT

Ashok Bhushan, C.J.

This writ appeal has been filed against the judgment dated 08.07.2015 passed in W.P.(C) No.17753 of 2015 by which the learned Single Judge dismissed the writ petition filed by the petitioner challenging the order of District Collector dated 21.05.2015.

2. Two vehicles of the petitioners, alleged to be involved in offences under Section 3 of the Kerala Conservation of Paddy Land & Wetland Act, 2008 has been subjected to confiscation proceedings. The Collector has passed Ext.P4 order directing the petitioner to deposit an amount of Rs.3.80 lakhs for the vehicle having registration No. KL-10-Z-6165 and Rs.1.90 lakhs for the vehicle having registration No. KL-55-G-1701 in lieu of confiscation. Petitioner, aggrieved by the said order, filed the writ petition which was dismissed. Learned counsel for the petitioner submits that he did not commit any offence and his vehicles were taken by one Kunjumadan

Mohammedkutty. Learned Government Pleader submits that the Collector has recorded the finding of fact and no error has been committed by learned Single Judge in dismissing the writ petition.

3. We have heard learned counsel for the appellant and perused the records. Against the order of the District Collector, as per Section 21 of the Act an appeal is provided within 30 days from passing of the order. The order of the Collector was passed on 21.05.2015 against which order within a period of one month, W.P.(C) No. 17753 of 2015 was filed which was dismissed on 22.08.2015 against which the present appeal has been filed.

4. We are of the view that in raising issue of facts, the appropriate remedy available to the petitioner is to file appeal under Section 21. Learned Government Pleader submits that the period for filing appeal has already come to end and petitioner did not choose to file appeal. Looking into the facts and circumstances of the case it is clear that within a period of one month the petitioner has approached this Court by filing the writ petition.

While dismissing this writ appeal, a liberty is given to the appellant to file appeal before the appellate authority within 15 days. Subject to the above, the Writ Appeal is dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**