

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 966 of 2015 (U)

PETITIONER:

**MOITHEENKUTTY, S/O.KUNJAN,
AGED 37 YEARS, KOOTTAYI PARAMBU,
MARUTHUR P.O., ONGALLUR I VILLAGE,
PATTAMBI TALUK, PALAKKAD DISTRICT.
(OWNER OF A LORRY BEARING REGISTRATION
NO.KL-52-B-5189).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE VILLAGE OFFICER,
PATTAMBI, PALAKKAD DISTRICT - 678 671.**
- 2. THE DISTRICT COLLECTOR,
PALAKKAD DISTRICT - 678 671.**

BY SENIOR GOVERNMENT PLEADER SRI.MUHAMMED SHAFI.M

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 966 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1 : TRUE COPY OF THE MAHASSAR DATED 12.12.2014 PREPARED BY
THE FIRST RESPONDENT IS PRODUCED.**

**EXHIBIT P2 : TRUE PHOTOGRAPHS OF PROPERTY INCLUDING BASEMENT IN
WHERE PETITIONER ALLEGEDLY UNLOADED EARTH.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 966 of 2015

Dated this the 16th day of January, 2015

JUDGMENT

The petitioner is the owner of the vehicle bearing No. **KL-52-B-5189**, which was seized by the 1st respondent on 12.12.2014 alleging violation of the relevant provision of the Act 28 of 2008. Ext.P1 is the scene mahazar.

2. The case of the petitioner is that, the concerned property belonging to the petitioner is a dry land and is not a 'paddy land' or 'wet land' as per the definition under Sections 2(xii) and 2 (xviii) of the Act 28 of 2008. The petitioner places support in Ext.P2 photographs produced before this Court. According to the petitioner, the seizure is per se wrong and illegal in all respects and hence interference of this Court is sought for.

3. Heard the learned Government Pleader as well, who submits that, as per the entries in the Data Bank Register, the property has been clearly shown as 'paddy land'.

4. In the above circumstance, the petitioner is relegated to approach the 2nd respondent by filing necessary representation

for releasing the interim custody of the aforesaid vehicle and for such other reliefs. If any such petition is filed within 'ten days' from the date of receipt of a copy of this judgment, the same shall be considered and appropriate orders shall be passed with regard to the interim custody of the vehicle within 'two weeks' thereafter. It is for the 2nd respondent to finalize the proceedings in accordance with law.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 2nd respondent for further steps. The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE.**

kp/-