

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936**

**WP(C).No. 2621 of 2015 (C)**  
-----

**PETITIONER(S):**  
-----

**VIJEESH, S/O.BALAN,  
MANJINOLI KUNI HOUSE,  
ERAMALA, VADAKARA, KOZHIKODE DISTRICT.**

**BY ADV. SRI.BABU S. NAIR**

**RESPONDENT(S):**  
-----

- 1. THE DISTRICT COLLECTOR,  
KOZHIKODE, PIN - 673 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,  
KOZHIKODE, PIN - 673 001.**
- 3. THE TAHSILDAR, KOYILANDI TALUK,  
KOZHIKODE DISTRICT, PIN - 673 305.**

**BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**msv/**

**P.R. RAMACHANDRA MENON, J.**

=====

W.P.(C). No. 2621 of 2015

-----

Dated this the 30<sup>th</sup> day of January, 2015

**JUDGMENT**

The petitioner is the owner of a mini lorry bearing No.KL-40C/1507. The said vehicle was seized by the third respondent alleging offence under the relevant provisions of the Act 28 of 2008.

2. The case of the petitioner is that, the concerned property 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; having effected reclamation decades back. 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.

4. In the above circumstance, the petitioner is relegated to approach the 1<sup>st</sup> 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 for granting interim custody of the vehicle forthwith; subject to furnishing security

either in the form of Bank Guarantee or Immovable property of requisite value, reckoning 1 ½ times of the value of the vehicle. The first respondent shall finalize the proceedings in accordance with law, after hearing the petitioner and also verifying the entries in the Data Bank Register and such other relevant records, which shall be done at the earliest at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

The writ petition is disposed of.

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