

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 2721 of 2015 (M)

PETITIONER :

**AJITH KUMAR, AGED 35 YEARS,
S/O.VIJAYAN, NEERTHATTIL HOUSE, PALAVAI P.O.,
THAIKKAD GRAMA PANCHAYATH,
THRISSUR (OWNER OF A JCB
BEARING REGISTRATION NO.KL-46-F-6442)**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS :

- 1. THE SUB INSPECTOR OF POLICE,
GURUVAYUR POLICE STATION,
THRISSUR DISTRICT - 680 001.**
- 2. THE DISTRICT COLLECTOR,
THRISSUR DISTRICT - 680 001.**
- 3. STATE OF KERALA,
REPRESENTED BY JOINT SECRETARY TO GOVERNMENT,
AGRICULTURAL DEPARTMENT, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001**

BY SENIOR GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 2721 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1: TRUE COPY OF THE MAHASSAR DATED 24/12/2014 PREPARED BY THE FIRST
RESPONDENT IN CONNECTION WITH THE SEIZURE OF THE VEHICLE OF THE
PETITIONER.**

**P2: TRUE COPY OF THE PHOTOGRAPHS OF THE LAND IN WHERE THE
PETITIONER ALLEGEDLY USED HIS EXCAVATOR.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 2721 of 2015

Dated this the 28th day of January, 2015

JUDGMENT

The petitioner is the owner of the JCB bearing **No. KL 46-F-6442**. The said vehicle was seized by the first respondent alleging offence under the relevant provisions of the Act 28 of 2008. Ext.P1 is the seizure mahazar in this regard.

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; being effected reclamation decades back. 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.

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. The second respondent shall finalize the proceedings forming the subject matter of Ext.P1 seizure mahazar 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 2nd respondent for further steps. The writ petition is disposed of.

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

kp/-