

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. 3081 of 2015 (I)

PETITIONER(S):

**SHOUKATH ALI, AGED 28 YEARS
S/O.MUHAMMED, PUNCHAMKUNDIL HOUSE, PALLAM P.O.
DESAMANGALAM VILLAGE, THALAPPILLY TALUK
THRISSUR DISTRICT.
(OWNER OF JCB BEARING REG.NO.TN-45-BZ-5413).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE VILLAGE OFFICER
CHERUTHURUTHY-NEDUMBURA VILLAGE
THRISSUR DISTRICT-680 001.**
- 2. THE SUB INSPECTOR OF POLICE
CHERUTHURUTHY POLICE STATION
THRISSUR DISTRICT-680 001.**
- 3. THE DISTRICT COLLECTOR
THRISSUR DISTRICT-680 001.**
- 4. STATE OF KERALA
REPRESENTED BY THE JOINT SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT
THIRUVANANTHAPURAM-695 001.**

BY SENIOR 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:**

PJ

WP(C).No. 3081 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1. TRUE COPY OF THE MAHASSAR DATED 1/1/2015 PREPARED BY THE
 FIRST RESPONDENT IN CONNECTION WITH THE SEIZURE OF THE
 VEHICLE OF THE PETITIONER**

**EXT.P2. TRUE COPY OF THE RELEVANT PAGE OF FAIR VALUE REGISTER OF
 THE LAND REGISTER OF GOVERNMENT OF KERALA PUBLISHED IN
 OFFICIAL GAZETTE.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.3081 of 2015

Dated this the 30th of January, 2015

JUDGMENT

The petitioner is the owner of the JCB bearing **No. TN-45-BZ-5413**. 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. 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 3rd respondent/District Collector 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 within 'two weeks' thereafter, subject to furnishing adequate security either by way of Bank guarantee or by way of immovable properties to the satisfaction of the 3rd respondent, reckoning 1½ times value of the vehicle. The 3rd 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, 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 3rd respondent for further steps.

The writ petition is disposed of.

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

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