

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 3509 of 2015 (K)

PETITIONER(S):

**BIJUKUMAR K., AGED 40 YEARS,
S/O.KRISHNANKUTTY, TC.11/1893(3), NBRA-23,
YMR, KOWDIAR P.O., THIRUVANANTHAPURAM - 695 003.**

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
THIRUVANANTHAPURAM, OFFICE OF THE DISTRICT COLLECTOR,
KUDAPPANAKKUNNU, THIRUVANANTHAPURAM - 695 001.**
- 2. THE SUB INSPECTOR OF POLICE,
MANNANTHALA POLICE STATION,
THIRUVANANTHAPURAM - 695 031.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 3509 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT. P1- TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF THE VEHICLE
BEARING REGISTRATION NUMBER KL-21-C-9081.**

**EXT. P2- TRUE COPY OF THE MAHAZAR PREPARED BY THE 2ND RESPONDENT
DATED 18.1.2015.**

**EXT. P3- TRUE COPY OF THE REPORT DATED 19.1.2015 FORWARDED BY THE
2ND RESPONDENT TO THE 1ST RESPONDENT.**

**EXT. P4- TRUE COPY OF THE APPLICATION FORWARDED TO THE 1ST RESPONDENT
DATED 21.1.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.3509 of 2015

Dated this the 13th day of February, 2015

JUDGMENT

The petitioner is the registered owner of MGV-Tipper bearing **No. KL-21-C-9081**. The said vehicle was seized by the second respondent/Sub Inspector of Police alleging offence under the relevant provisions of the Act 28 of 2008. Ext.P2 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 first 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 first respondent, reckoning 1½ times value of the vehicle. The first respondent shall finalize the proceedings forming the subject matter of Ext.P2 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 first respondent for further steps.

The writ petition is disposed of.

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

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