

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 3532 of 2015 (N)

PETITIONER :

**MUHAMMED, AGED 60 YEARS,
S/O.PATHUMMU, KONNALLUR HOUSE, KALAPAKANCHERY
TIRUR, MALAPPURAM DISTRICT- 676551.**

BY ADV. SRI.A.HAROON RASHEED

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR
PALAKKAD, CIVIL LANE, PALAKKAD DT.- 678001.**
- 2. THE THAHASILDAR
CHITTUR, PALAKKAD DT.-678104.**
- 3. THE VILLAGE OFFICER
MUTHALAMADA VILLAGE, GOVINDAPURAM,
PALAKKAD DT.- 678507.**
- 4. THE SUB INSPECTOR OF POLICE
KOLLENGODE POLICE STATION,
PALAKKAD DISTRICT-678506.**

R1 TO R4 BY SR. GOVT. PLEADER SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 3532 of 2015 (N)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT-P1: TRUE COPY OF THE R.C. PARTICULARS OF 2014 MODEL
 TATA LPT LORRY BEARING REG.NO.KL-55-P-5943 OF THE
 PETITIONER.**

**EXHIBIT-P2: TRUE COPY OF THE PROCEEDINGS LETTER AND SEIZURE
 MAHASAR DATED 24.01.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.3532 OF 2015
.....

Dated this the 5th February, 2015

J U D G M E N T

Petitioner is the owner of the vehicle bearing **No.KL.55/P.5943**. The said vehicle was seized by the second respondent/Thahsildar as per Ext.P2 Mahazar, which according to the petitioner is per se wrong and illegal in all respects, as even according to the concerned respondent, no commodity was being carried out in the said vehicle at the relevant time. The vehicle was taken empty and as such immediate interference of this Court is warranted , submits the learned Counsel.

2. Heard the learned Government Pleader as well.

3. Going by the contents of the pleadings and proceedings this Court finds that no offence is prima facie made out against the petitioner as the vehicle was taken when it was empty. As such, custody of the vehicle shall be released to the petitioner forthwith on execution of a **simple bond** and also on furnishing an **undertaking in the form of an affidavit** that the vehicle will not be alienated for the time being and that the same will be produced as and when the same is required during the pendency of the proceedings.

4. The 4th respondent/Sub Inspector shall conduct an investigation as to whether any offence is actually involved and if so, this will not bar the way of the 4th respondent in taking appropriate proceedings by filing a complaint before the competent Magistrate's Court in respect of the offence, if at all involved.

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

P.R.RAMACHANDRA MENON
JUDGE

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