

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No.3888 of 2015 (I)

PETITIONER:

**SENTHIL.P,AGED 41 YEARS,S/O.PANDYAN,39-B,
CHOCKALINGA NAGAR,BYE-PASS ROAD, MADURAI DT.,
TAMILNADU-625016,(REGISTERED OWNER OF TN-58-R-5073)**

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,PALAKKAD-678001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF RDO,PALAKKAD-678001.**
- 3. TAHSILDAR,TALUK OFFICE,PALAKKAD-678001.**
- 4. VILLAGE OFFICER,ELAPPULLY II VILLAGE,
ELAPPULLY P.O,PALAKKAD-678622**
- 5. SUB INSPECTOR OF POLICE,KASABA POLICE STATION,
PUDUSSERY P.O,PALAKKAD-678101.**

***ADDITIONAL R6 AND R7 IMPEADED**

- 6. SMT.JAYA.K,W/O.REMESH ACHUTHAN,MANASAM,
KALLEKULANGARA P.O,PALAKKAD-678009.**
- 7. SETHUMADHAVAN,S/O.EMUKUTTY,KESAVA NIVAS,
PALLATHERY P.O,PALAKKAD-678007.**

***ADDITIONAL R6 AND R7 ARE IMPEADED AS PER ORDER
DATED 23.2.2015 IN I.A.NO.2539/2015 IN W.P(C) NO.3888/2015.**

R1 TO R5 BY GOVT. PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No.3888 of 2015 (I)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1:TRUE COPY OF INSURANCE POLICY OF THE VEHICLE TN-58-R-5073
DATED 17.12.2014.**

**EXHIBIT P2:TRUE COPY OF THE BUILDING PERMIT DATED 7.6.2014 ISSUED BY
THE PANCHAYATH IN RE-SURVEY NO.512.**

**EXHIBIT P3:TRUE COPY OF BUILDING PERMIT DATED 10.6.2014 ISSUED BY THE
PANCHAYATH IN RE-SURVEY NO.525.**

**EXHIBIT P4:TRUE COPY OF THE SEIZURE MAHAZAR DATED 1.2.2015 ISSUED BY
THE 4TH RESPONDENT.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.3888 of 2015

Dated this the 23rd day of February, 2015

JUDGMENT

The road roller bearing No.TN-58-R-5073 belonging to the petitioner was seized by the 4th respondent alleging violation of the provisions of the Kerala Conservation of Paddy Land and Wet Land Act, 2008.

2. The case of the petitioner is that, the petitioner's vehicle was taken on hire by the addl. respondents 6 and 7 for making access to their property, which in fact is not a 'paddy land' or 'wet land' as defined under Act 28 of 2008. It was in the course of such operation that the seizure was effected and despite the explanation offered by the petitioner, the vehicle is still to be released. This made the petitioner to approach this Court by filing this writ petition, also producing copy of permits as Exts.P2 and P3 and the Mahazar as Ext.P4.

3. Heard the learned Government Pleader as well.

4. Considering the facts and circumstances, 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 3rd respondent, reckoning 1½ times value of the vehicle. The first respondent shall finalize the adjudication proceedings forming the subject matter of Ext.P4 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. It is for the District Collector to call for report from the other authorities concerned, including the Tahsildar and also the

Agricultural Officer.

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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