

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 4049 of 2015 (E)

PETITIONER :

1. SHIHABUDHEEN, S/O.MOHAMMED,
AGED 28 YEARS, KARAKUNNAN, PALLARIMANGALAM P.O.,
KOTHAMANGALAM TALUK
ERNAKULAM DISTRICT
(OWNER OF A LORRY BEARING REGISTRATION NO.KL-44-A-6350)

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT - 682030
2. THE SUB INSPECTOR OF POLICE,
MOOVATTUPUZHA POLICE STATION,
ERNAKULAM DISTRICT 682101.
3. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
AGRICULTURAL DEPARTMENT, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695001

R1 TO R3 BY GOVT. PLEADER SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

WP(C).No. 4049 of 2015 (E)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT.P1: COPY OF THE MAHASSAR DATED 26.2.2014 PREPARED BY THE
SECOND RESPONDENT IN CONNECTION WITH THE SEIZURE OF THE
VEHICLE OF THE PETITIONER.**

**EXT:P2: TRUE COPY OF THE REPRESENTATION DATED 07.01.2015 SUBMITTED
BY THE PETITIONER BEFORE THE FIRST RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.4049 of 2015

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Dated this the 9th day of February, 2015

JUDGMENT

The petitioner is the owner of a lorry bearing Registration No.**KL-44-A-6350**. The said vehicle was seized by the second 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 2nd 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.

5. 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**