

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 4119 of 2015 (L)

PETITIONER(S):

**JESSU THANKACHAN,
KOLLIRETHU PUTHENVEEDU, ADOOR P.O.,
PATHANAMTHITTA DISTRICT.**

**BY DR.K.P.SATHEESAN, SENIOR ADVOCATE.
ADVS. SRI.M.R.JAYAPRASAD,
SRI.P.MOHANDAS (ERNAKULAM),
SRI.ANOOP.V.NAIR,
SRI.S.VIBHEESHANAN,
SRI.N.MANU THAMPI.**

RESPONDENT(S):

**1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

**2. THE SUB INSPECTOR OF POLICE,
ADOOR POLICE STATION,
PATHANAMTHITTA DISTRICT-691 523.**

*** ADDL. R3 IMPEADED**

**3. THE DISTRICT COLLECTOR,
PATHANAMTHITTA-689 645.**

*** ADDL. R3 IS IMPEADED AS PER ORDER DATED 18/02/2015
IN I.A. NO.2399/2015.**

BY GOVT. PLEADER SRI.JOSEPH GEORGE.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 4119 of 2015 (L)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT-P1: TRUE COPY OF THE RENTAL AGREEMENT EXECUTED BY
THE PETITIONER DATED 28.07.2014.**

**EXHIBIT-P2: TRUE COPY OF THE F.I.R. REGISTERED BY THE 2ND RESPONDENT
AND FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE'S
COURT, ADOOR DATED 02.01.2015.**

**EXHIBIT-P3: TRUE COPY OF THE REPORT FILED BY THE 2ND RESPONDENT
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT,
ADOOR DATED 09.01.2015.**

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 4119 of 2015

Dated this the 18th day of February, 2015

J U D G M E N T

The petitioner is the owner of the JCB bearing No. **TN-76-Q/4335**. The said vehicle was seized by the 2nd respondent alleging offence under the relevant provisions of the Act 28 of 2008.

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 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, 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 concerned respondent for further steps.

The writ petition is disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.