

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 4587 of 2015 (W)

PETITIONER :

**BASHEER,
S/O. ABDUL RAHMAN, AGED 30 YEARS, KALATHOTTIL HOUSE,
CHERUVATTUR P.O.,KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT. (OWNER OF A LORRY
BEARING REGISTRATION NO.KL-17-E-8223).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT-682 030.**
- 2. THE SUB INSPECTOR OF POLICE,
MUVATTUPUZHA POLICE STATION,
ERNAKULAM DISTRICT-682 101.**
- 3. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
AGRICULTURAL DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 4587 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

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

**P2 : COPY OF THE REPRESENTATION DTD. 7.1.2015 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. 4587 of 2015

Dated this the 12th day of February, 2015

JUDGMENT

The petitioner is the owner of the vehicle bearing **KL-17-E-8223**. 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 writ petition is disposed of directing the 1st respondent/District Collector to consider and pass appropriate order on Ext.P2 representation preferred by the petitioner, granting interim custody of the above vehicle within 'two weeks' from the date of receipt of a copy of this judgment,

subject to furnishing adequate security either by way of Bank guarantee or by way of immovable properties to the satisfaction of the 1st respondent, reckoning 1½ times value of the vehicle. The 1st 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.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps. The writ petition is disposed of.

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