

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936**

**WP(C).No. 6432 of 2015 (D)**  
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**PETITIONER(S) :**  
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**ABU THAHIR, AGED 38 YEARS,  
S/O.HANEEFA, VALIKATHU, MANAMAKAVU P.O,  
PATTAMBI, PALAKKAD DISTRICT.**

**BY ADV. SRI.S.SHAJAHAN (ADOOR)**

**RESPONDENT(S) :**  
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- 1. DISTRICT COLLECTOR,  
CIVIL STATION, MALAPPURAM- 676 505.**
- 2. THE VILLAGE OFFICER,  
VATTAMKULAM, MALAPPURAM DISTRICT- 679 578.**
- 3. REVENUE DIVISIONAL OFFICER,  
THIRUR, MALAPPURAM DISTRICT- 676 101.**

**BY SR.GOVERNMENT PLEADER SRI.K.C.VINCENT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

Msd.

**WP(C).No. 6432 of 2015 (D)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT P1: COPY OF THE SAID SEIZURE MAHAZAR DATED 09.02.2015.**

**EXHIBIT P2: COPY OF THE P-FORM DATED 09.02.2015.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

Msd.

**P.R. RAMACHANDRA MENON, J.**

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**W.P.(C) No.6432 of 2015**  
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**Dated this the 27<sup>th</sup> day of February, 2015**

**JUDGMENT**

The petitioner is the registered owner of a Tipper lorry bearing Registration **No. KL-17-E-9620**. The said vehicle was seized by the second respondent/Village Officer 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; having 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 first respondent/District Collector by filing

necessary petition 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 first respondent, reckoning 1½ times value of the vehicle. The first 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, after affording an opportunity of hearing to the petitioner, at the earliest at any rate, within 'two months' from the date of receipt of a copy of this judgment. It is for the second respondent to report the seizure to the first respondent forthwith.

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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