

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No. 7566 of 2015 (U)

PETITIONER(S):

**JAMSHID M.T, AGED 29 YEARS,
S/O.UMMER, MUNDATHOTTU HOUSE, OZHUR,
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
MALAPPURAM, PIN- 676 505.**
- 2. THE ADDITIONAL TAHSILDAR,
TIRUR, MALAPPURAM DISTRICT, PIN- 676 101.**

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 7566 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY
THE 2ND RESPONDENT DATED 03.03.2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R.RAMACHANDRA MENON, J.

W.P.(C) No. 7566 of 2015

Dated this the 10th day of March, 2015

J U D G M E N T

The petitioner is the owner of the excavator/machinery, which was seized by the 2nd respondent as per Ext.P1 seizure mahazar dated 3.3.2015 alleging offence under Act 28 of 2008.

2. The learned counsel for the petitioner submits that the property concerned herein is not a 'paddy land' or 'wet land' and that no offence under the Kerala Conservation of Paddy Land and Wet Land Act, 2008 or 'Sand Act' is involved. 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. The version is sought to be disputed by the learned Government Pleader appearing for the respondents who points out that the description of the property as given in Ext.P1 mahazar shows that it is a 'paddy land'.

4. This Court does not find it necessary to consider the factual position as the competent authority to deal with the matter is none other than the 1st respondent.

5. In the said circumstance, the petitioner is relegated to approach the District Collector by filing necessary representation for releasing the interim custody of the aforesaid excavator/machinery and for such other reliefs. If any such petition is filed, 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 1st respondent, reckoning 1½ times value of the excavator/machinery. The 1st 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

jjj