

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

WP(C).No. 8337 of 2015 (N)

PETITIONER(S) :

**CHELLESH, AGED 38 YEARS,
S/O.MAYANDI, KOVIL HOUSE, NENMARAPADOM,
NENMARA P.O., VALLANGHY VILLAGE, CHITTUR TALUK.
(OWNER OF A LORRY BEARING REGISTRATION NO. KL-8-W-9515).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE VILLAGE OFFICER,
MELARKODE, PALAKKAD DISTRICT- 678 671.**
- 2. THE DISTRICT COLLECTOR,
PALAKKAD DISTRICT- 678 671.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 8337 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE REPORT DATED 05.05.2014 SUBMITTED BY
THE FIRST RESPONDENT BEFORE THE SECOND RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 8337 of 2015

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Dated, this the 27th day of March, 2015

JUDGMENT

he petitioner, who is stated as the owner of the tipper lorry bearing No. **KL 8 W 9515**, is aggrieved of seizure of the said vehicle by the first respondent, as evident from Ext. P1 report submitted to 2nd respondent, and in an arbitrary manner, absolutely without any rhyme or reason, alleging that the vehicle was used for conversion of paddy land in violation of the provisions of the Kerala Conservation of Paddy land and Wet land Act 2008.

2. The learned Government Pleader submits, on instructions and with reference to the materials on records, that the lorry belonging to the petitioner was seized while the ordinary earth carried and transported in the said vehicle was attempted to be unloaded in the paddy land, as evident from Ext. P2.

3. The learned counsel for the petitioner submits that the property concerned is neither a 'paddy land' nor a 'wet land' as defined under Section 2 (xii) or 2 (xviii) of Act 28 of 2008. The provisions of the Act 28 of 2008 could be attracted only in respect of the lands which were remaining as paddy land or wet land 'as on the

date of commencement of the Act' and as such, whether it was lying as a paddy land as on the date of commencement of the Act is the point to be considered.

4. After hearing both the sides, the second respondent is directed to consider petition preferred by the petitioner for interim custody of the vehicle and pass appropriate orders granting interim custody forthwith, at any rate, within two weeks from the date of receipt of a copy of this judgment, on condition that the petitioner furnishes security in the form of 'bank guarantee' or immovable property for 1.5 times of the value of the vehicle and on giving an undertaking that the vehicle will not be alienated till the proceedings are finalized. The adjudication proceedings shall be finalized in accordance with law, at the earliest, at any rate, within two months thereafter.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the second respondent for further steps.

The writ petition is disposed of.

Sd/-

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

kmd