

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 8703 of 2015 (K)

PETITIONER(S) :

1. RATHINASWAMY,
S/O.MAYILSWAMY, 527(9/328), THANNERPANTHAL,
ELAMBULASSERY, PIN-678 595, OTTAPALAM TALUK,
PALAKKAD DISTRICT.
2. JAYAPRAKASH,S/O THANKAN,
THADIKKAMARIL HOUSE, POTTASSERY.P.O.,
MANNARKKAD TALUK, PALAKKAD DISTRICT.

**BY ADVS.SRI.P.JAYARAM
SRI.M.N.SAKKEER HUSSAIN**

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
PALAKKAD-678 001.
2. THE SUB INSPECTOR OF POLICE,
MANNARKKAD-678 582.
3. STATE OF KERALA,
REPRESENTED BY SECRETARY, DEPARTMENT OF AGRICULTURE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
4. STATE OF KERALA,
REPRESENTED BY SECRETARY, DEPARTMENT OF REVENUE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

R1 TO R4 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 8703 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 TRUE COPY OF THE SEIZURE MAHAZAR DATED 8.3.2015 PREPARED
BY SUB INSPECTOR OF POLICE, MANNARKKAD
- EXT.P2 TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF
VEHICLE,JCB-EXCAVATOR,BEARING REGISTRATION NO.KL-14/G-7784
- EXT.P2(A) TRUE COPY OF THE MOTOR VEHICLE INSURANCE POLICY OF THE
VEHICLE BEARING REGISTRATION NO.KL-14/G-7784.
- EXT.P3 TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF
VEHICLE,TRACTOR,BEARING REGISTRATION NO.KL-9/N-3658
- EXT.P3(A) TRUE COPY OF THE MOTOR VEHICLE INSURANCE POLICY OF THE
VEHICLE BEARING REGISTRATION NO.KL-9/N-3658.
- EXT.P3(B) TRUE COPY OF THE POLLUTION CERTIFICATE OF THE VEHICLE
BEARING REGISTRATION NO.KL-9/N-3658.

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. 8703 of 2015

Dated this the 19th day of March, 2015

JUDGMENT

The petitioners are the owners of the vehicles bearing Nos. KL-14/G-7784 & KL-9/N-3658 respectively. The said vehicles were 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 petitioners 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 petitioners, 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 application, if any, preferred by the petitioners, granting interim custody of the above vehicles 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 vehicles. The 1st respondent shall finalize the proceedings forming the subject matter of Ext.P1 seizure mahazar in accordance with law, after hearing the petitioners 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 petitioners 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.**

kp/-