

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. 9002 of 2015 (A)

PETITIONER :

**SURESH
S/O. KARUPPUSWAMY, AGED 40 YEARS
NONCHAN HOUSE, THIRUNELLAYI P.O.,
PIRAYIRI VILLAGE, PALAKKAD TALUK
PALAKKAD DISTRICT
(OWNER OF LORRY BEARING REGISTRATION NO. KL-9-S-4502).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT :

**THE VILLAGE OFFICER,
PALAKKAD – 2, PALAKKAD DISTRICT
PIN – 678 001.**

BY GOVT. PLEADER SRI. K.C. VINCENT

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

Mn

...2/-

WP(C).No. 9002 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS :

**EXT.P1 : COPY OF THE MAHAZAR DATED 2.3.2015 PREPARED BY THE
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. 9002 of 2015

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Dated, this the 27th day of March, 2015

JUDGMENT

The petitioner, who is the owner of the vehicle bearing No. **KL 9 S 4502**, is aggrieved of the seizure of vehicle on 02.03.2015, alleging violation of the relevant provisions of the Kerala Conservation of Paddy land and Wet land Act 2008. This made the petitioner to approach this Court contending that the property concerned herein is not part of the paddy land or wet land as defined under the said Act, as evident from contents of Ext. P1 mahazar.

2. Heard the learned Government Pleader as well, who points out that as per the instructions received, it is part of paddy land, which is sought to be rebutted by the petitioner. The learned counsel for the petitioner points out that the boundaries of the property have been clearly mentioned in Ext. P1 itself, which do not refer to existence of any paddy land in the nearby area.

3. After hearing both the sides, this Court finds that the issue has to be considered by the competent authority/District Collector under the Act 28 of 2008, who has not been impleaded in the party array. The respondent herein is directed to cause the matter to be forwarded to the concerned authority, as above, forthwith to ascertain

the factual position and finalize the proceedings. Considering the available materials on record, this Court finds that interim custody of the vehicle shall be given to the petitioner on production of RC book of the concerned vehicle along with an affidavit to the effect that the vehicle will be produced before the concerned authority as and when called for. On finalization of the proceedings, if it is found that the property concerned is not part of paddy land or wet land, it is open for the petitioner to compound the offence. On such event, the compounding application, if any, filed by the petitioner before the respondent shall be considered and petitioner shall be permitted to compound the offence on satisfaction of a sum of **Rs.25,000/-** as the compounding fee. Once the offence is compounded, no prosecution proceedings shall lie against the petitioner.

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

The Writ Petition is disposed of.

Sd/-

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

kmd