

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 9376 of 2015 (V)

PETITIONER :

**SMINU,
S/O. SEKHARAN, AGED 28 YEARS
PAREPARAMBIL, VETTIKKAL P.O.,
MULAMTHURUTHI VILLAGE
KANAYANNUR TALUK, ERNAKULAM DISTRICT
(OWNER OF A LORRY BEARING REGISTRATION NO. KL-55-E-9546).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE VILLAGE OFFICER,
MULAMTHURUTHY VILLAGE,
ERNAKULAM DISTRICT - 682 101.**
- 2. THE DISTRICT COLLECTOR
ERNAKULAM DISTRICT - -682 030.**

R1 & R2 BY SR. GOVT. PLEADER SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONER'S EXHIBITS :

**EXT.P1 : COPY OF THE MAHASSAR DATED 19.2.2015 PREPARED BY THE FIRST
RESPONDENT IN CONNECTION WITH THE SEIZURE OF THE VEHICLE
OF THE PETITIONER.**

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9376 of 2015

Dated this the 24th day of March, 2015

JUDGMENT

Petitioner is the owner of vehicle bearing registration No.**KL-55-E-9546**, which was seized by the first respondent on 19.02.2015 in connection with the offence under Act 28 of 2008. The proceedings pursued by the first respondent are under challenge in this writ petition, mainly contending that the first respondent is not authorised to have effected seizure and further that the petitioner has not committed any offence under the provisions of the aforesaid Act.

2. Heard the learned Government Pleader as well.

3. With reference to the contents of Ext.P1 Mahazar, the learned Government Pleader points out that the idea and understanding of the petitioner is thoroughly wrong and misconceived and that the seizure was effected by the first

respondent, who is the competent authority when the vehicle with sand was lying on the paddy land. This Court finds that the matter requires to be considered and finalised by the second respondent, who is the competent authority.

4. In the above circumstance, the petitioner is relegated to approach the second respondent/District Collector by filing necessary representation 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 second respondent, reckoning 1½ times value of the vehicle. The second respondent shall finalize the adjudication proceedings forming the subject matter of Ext.P1 seizure mahazar in accordance with law, after hearing the petitioner, 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 second respondent for further steps.

The writ petition is disposed of.

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

sp