

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 9576 of 2015 (V)

PETITIONER :

**HAKKIM
S/O. ALI MUHAMMED, AGED 41 YEARS
THELIYARA HOUSE, MUCHERY PO
KONGADU VILLAGE, PALAKKAD TALUK
PALAKKAD DISTRICT
(OWNER OF EXCAVATOR,
JCB BEARING REGISTRATION NO.KL-55-A-106)**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT :

**THE VILLAGE OFFICER,
KONGAD-1 VILLAGE, PALAKKAD DISTRICT,
PIN-688 521.**

BY SR. GOVT. PLEADER SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 9576 of 2015 (V)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE SEIZURE MAHAZAR DATED 23.3.2015 PREPARED
BY THE RESPONDENT.**

**EXHIBIT P2: TRUE COPY OF THE NO OBJECTION CERTIFICATE DATED 23.10.2014
ISSUED BY THE SECRETARY, KONGAD GRAMA PANCHAYAT**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No. 9576 OF 2015
.....

Dated this the 25th March, 2015

J U D G M E N T

The Excavator JCB, bearing No. KL.55A/103 belonging to the petitioner was seized by the respondent/Village Officer stating that the same was an unauthorised activity, not supported by any valid document . The case of the petitioner is that he had already moved the Local Authority, who issued Ext.P2NOC to the petitioner for effecting excavation to the extent as specified therein so as to construct a residential building and that the activity which was being pursued by him was in strict conformity with Ext.P2.

2. Heard the learned Government Pleader as well, who submits that Ext.P2 NOC was never produced before the respondent/Village Officer at the time of effecting seizure, which is sought to be rebutted by the learned Counsel for the petitioner.

3. Considering the facts and circumstances, there will be a direction to the respondent/Village Officer to release custody of the vehicle (beaing No.KL.55A/106) to the petitioner on execution of a simple bond without sureties and also on furnishing an undertaking to produce the vehicle as and when

required. It is open for the respondent to verify the position and if any offence is involved, bring it to the notice of the competent authority to consider and decide whether any further steps/proceedings are to be pursued against the petitioner in accordance with the provisions of the MMDR Act/KMMC Rules, 2015.

The writ petition is disposed of .

**P.R.RAMACHANDRA MENON
JUDGE**

/k