

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C) .No. 11005 of 2015 (A)

PETITIONER:

KURIACHAN M.M AGED 42 YEARS
S/O.MATHEW, MADATHUMPADY HOUSE, NORTH FORT GATE
TRIPUNITHURA 682 301, ERNAKULAM DISTRICT.

BY ADVS.SMT.V.J.RUBY
SMT.V.K.REEBA

RESPONDENTS:

1. SUB INSPECTOR OF POLICE
MARADU POLICE STATION, ERNAKULAM, 682001

2. THE DISTRICT COLLECTOR
CIVIL STATION, KAKKANAD, ERNAKULAM 682 030.

3. THE REVENUE DIVISIONAL OFFICER
(RDO) FORT KOCHI, ERNAKULAM 682 001.

4. SECRETARY
MARADU MUNICIPALITY, MARADU, ERNAKULAM 682 304.

SRI.JOSEPH GEORGE, SR.GOVERNMENT PLEADER
R BY SRI.T.R.RAJAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 10-04-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

RKC

WP(C) .No. 11005 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1. COPY OF THE SEIZURE REPORT.

EXHIBIT P2. COPY OF THE LETTER NO.H3/9507/2013 DATED
6.7.13.

EXHIBIT P3. COPY OF THE BUILDING PERMIT DATED 30.7.13.

EXHIBIT P4. COPY OF THE REPORT OF THE VILLAGE OFFICER
MARADU DATED 21.2.15.

EXHIBIT P5. COPY OF FORM F OF TALUK RECORDS.

EXHIBIT P6. COPY OF THE APPLICATION PERMIT DATED 15.6.13.

EXHIBIT P7. COPY OF THE APPLICATION FOR PERMIT/
REGULARIZATION DATED 12.6.14.

EXHIBIT P8. COPY OF THE POSSESSION CERTIFICATE DATED
10.6.13.

EXHIBIT P9. COPY OF THE TAX RECEIPT DATED 10.6.13.

EXHIBIT P10. COPY OF THE OCCUPANCY CERTIFICATE DATED
30.7.13 ISSUED BY MARADU MUNICIPALITY.

RESPONDENTS' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 11005 of 2015

Dated this the 10th day of April, 2015

JUDGMENT

The petitioner is the owner of the tipper lorry bearing No. KL-40F 1336 and the said vehicle was deployed in furtherance of the business pursued by the petitioner as a PWD Contractor. The said vehicle was seized by the 1st respondent on 27.12.2014 alleging violation of the provisions of the Act 28 of 2008 vide Ext.P1 mahazar. According to the petitioner the vehicle was seized from the road and the property concerned herein is a 'dry land' and not a paddy land.

2. The factual position is sought to be rebutted by the learned Government Pleader on the basis of instructions received and also on the basis of relevant records.

3. After hearing both the sides, this Court finds that the competent authority has to consider the matter, who is none other than the 2nd respondent. In the above circumstance, the 2nd respondent is directed to consider the issue and the claim of the petitioner for granting interim custody of the vehicle to the

petitioner shall be considered and granted within 'two weeks' subject to satisfaction of security, either in the form of immovable property or Bank Guarantee reckoning 1.5 times the value of the vehicle. The adjudication proceedings shall be finalized in accordance with law, within 'six weeks' thereafter.

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

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

kp/-