

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

WP(C).No. 15292 of 2015 (J)

PETITIONER(S) :

**NOUSHAD ALI, AGED 35 YEARS,
S/O.KUNHU MUHAMMED, KIZHAKKEPATTU THODI HOUSE,
VALLAPPUZHA P.O., PATTAMBI, PIN- 679 336.**

BY ADV. SRI.K.DILIP

RESPONDENT(S) :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM -695 001.**
- 2. THE VILLAGE OFFICER,
VALLAPPUZHA, PATTAMBI, PIN- 679 336.**
- 3. THE LOCAL LEVEL MONITORING COMMITTEE
CONVENED BY THE AGRICULTURAL OFFICER,
VALLAPPUZHA - 679 336.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: A TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE BEARING NO. KL-52-C 5341 DATED 27/05/2011.

EXHIBIT-P2: A TRUE COPY OF THE SEIZURE MAHAZAR WITH RESPECT TO VEHICLE BEARING NO. KL-52-C-5341 DATED 12/03/2015.

EXHIBIT-P3: A TRUE COPY OF THE PHOTOGRAPHS SHOWING THE ACTUAL FACT SITUATION OF THE PROPERTY DATED NIL.

EXHIBIT-P4: A TRUE COPY OF THE EXTRACT OF FAIR VALUE REGISTER DATED NIL.

EXHIBIT-P5: A TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE 3RD RESPONDENT DATED 24/05/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

Msd.

K. VINOD CHANDRAN, J.

W.P(C). No.15292 of 2015

Dated this the 12th day of June, 2015.

JUDGMENT

The petitioner, the registered owner of vehicle bearing No.KL-52-C-5341, is before this Court contending that the seizure of the vehicle made by Ext.P2 is not proper. The petitioner contends that, when the seizure of his vehicle was effected, ordinary earth was being loaded into and the allegation levelled could have been only under the Mines and Minerals (Development and Regulations) Act, 1957. However, the Mahazar at Ext.P2 indicates that the allegations leveled against the petitioner is of conversion of paddy land under the Kerala Conservation of Paddy Land and Wet Land Act, 2008.

2. The learned Government Pleader on instructions submits that, the offence was with respect to the filling up of the paddy land and not transportation of ordinary earth. The land in which

the filling up activities were carried on is shown as a 'nilam' in the Revenue Records. The petitioner's contention is based on the fair value register produced at Ext.P4 and the ground reality as is disclosed from Ext.P3. This Court cannot, looking at the photographs, determine as to whether the particular land from which the seizure was effected is that shown in Ext.P3. Further, the considerations in fixing fair value differ totally from the description given in the Revenue Records more specifically the Basic Tax Register.

In such circumstances, the petitioner would have to approach the appropriate authority for release of the vehicle, if at all. The writ petition would stand dismissed leaving open such remedy.

Sd/-
K. VINOD CHANDRAN,
JUDGE

sp