

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).No. 16295 of 2015 (J)

PETITIONER:

MATHEW T.X. AGED 42 YEARS
S/O. XAVIER, THOTTAKATH HOUSE, CHERNALLUR P.O.
CHERANALLUR VILLAGE, KANAYANNOOR TALUK
ERNAKULAM DISTRICT (OWNER OF A LORRY
BEARING REGISTRATION NO. KL-17-2959).

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:

1. THE SUB INSPECTOR OF POLICE
CHERANALLUR POLICE STATION, ERNAKULAM DISTRICT
PIN-682030.
2. THE DISTRICT COLLECTOR
ERNAKULAM DISTRICT, PIN-682020.

R BY GOVERNMENT PLEADER
R BY SRI.K.M.SATHYANATHA MENON,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16295 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE TAX RECEIPT ISSUED BY THE SECRETARY
CHERANNALUR GRAMA PANCHAYATH REGARDING THE RECEIPT OF THE PROPERTY
TAX OF PROPERTY OF REGINA GEORGE DATED 15-05-2015.

EXHIBIT P2- TRUE COPY OF THE MASS PETITION DATED 10-05-2015 SUBMITTED BY THE
LOCAL PEOPLE BEFORE THE PRESIDENT OF CHERANALLUR GRAMA PANCHAYATH.

EXHIBIT P3- TRUE PHOTOGRAPHS OF THE FIVE LINKS WAY LEADING TO THE
PROPERTY OF MRS. REGINA GEORGE.

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 16295 of 2015

Dated this the 05th day of June, 2015

J U D G M E N T

The petitioner's vehicle having registration No.KL-17-2959 was seized by the 1st respondent and it is submitted on behalf of the learned Government Pleader that the same was under the Kerala Conservation of Paddy land and Wet land Act, 2008. The petitioner contends that the vehicle was seized from the location seen in the photograph produced at Ext.P3 and there is no paddy land discernible anywhere near the location.

2. It is impossible for this Court to come to such a conclusion on just looking at the photograph and the contention would have to be substantiated by the petitioner on the basis of the scene mahazar before the authorities under the Act. The Sub Inspector of Police is directed to forward the files to the District Collector for completing the proceedings and produce the vehicle

before the Jurisdictional Magistrate so that the petitioner can approach the Jurisdictional Magistrate for interim custody. The transmission of the files to the District Collector and production of vehicle shall be done at any rate, within a period of two weeks from the date of receipt of a certified copy of this judgment.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

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//true copy//

P.A to Judge