

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

W.P.(C).No.16519 of 2015 (L)

PETITIONER(S):-

ALI. P.A., AGED 51 YEARS, S/O.ALAVI, PULLIYIL HOUSE,
CHATHAMUNDA, UPPADA, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR.

RESPONDENT(S):-

1. THE REVENUE DIVISIONAL OFFICER,
PERINTHALMANNA, MALAPPURAM DISTRICT, PIN - 679 322.
2. THE TAHSILDAR
NILAMBUR TALUK, MALAPPURAM DISTRICT, PIN - 676 121.
3. THE VILLAGE OFFICER,
CHUNGATHARA VILLAGE, MALAPPURAM DISTRICT, PIN - 679 334.

R1 TO R3 BY GOVERNMENT PLEADER SMT.C.K.SHERIN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

WP(C).No.16519 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:-

EXHIBIT-P1: TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY THE
3RD RESPONDENT DATED, 1.6.2015.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.16519 of 2015-L

Dated this the 10th day of June, 2015

JUDGMENT

The petitioner's vehicle, bearing registration No.KL-11-AP-3278, was seized in accordance with Exhibit P1 seizure mahazar, on 01.06.2015. The allegation in Exhibit P1 is that the petitioner's vehicle was found unloading granite stones in a property comprised in Block No.98 in Re-survey No.105/5 of Chungathara Village. The petitioner's contention is that, in fact the granite boulders were unloaded for constructing a compound wall of a property, which is a pucca land.

2. The learned Government Pleader, on instruction, submits that the land, as per the revenue records, is seen to be "Nilam", but the draft Data Bank shows that it is a converted land.

3. In the above circumstance, there cannot be any allegation of conversion of land by reason only of unloading granite stones in the property. The 2nd respondent shall, hence, release the vehicle to the petitioner on executing a simple bond, securing the value of the

vehicle, as indicated by the 2nd respondent and the 2nd respondent shall transmit the papers to the appropriate authority under the Kerala Conservation of Paddy Land and Wetland Act, 2008 [for brevity "Paddy Land Act"] to complete the proceedings. The enforcement of the security bond shall be subject to the result of such proceedings. The release of the vehicle shall be effected within two days of the production of a certified copy of this judgment and on execution of the security bond, subject however to the condition that no alienation of the vehicle shall be effected till the proceedings conclude in favour of the petitioner. The authority under the Paddy Land Act shall obtain a report from the Village Officer as to the exact lie and nature of the subject property before the proceedings are concluded.

The writ petition is disposed of as above.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy]