

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

WP(C).No. 16641 of 2015 (E)

PETITIONER :

**THOMAS JOHN,
S/O.K.V.THOMAS, AGED 58 YEARS
KULANGARA HOUSE, CHINGAVANAM P.O.
NATTAKOM VILLAGE, KOTTAYAM TALUK
KOTTAYAM DISTRICT
(OWNER OF AN EXCAVATOR JCB BEARING
REGISTRATION NO.KL-05-AJ-3013).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT :

**THE SUB INSPECTOR OF POLICE,
CHENGANNUR POLICE STATION, ALAPPUZHA DISTRICT,
PIN - 689 121.**

BY GOVT. PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 16641 of 2015 (E)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1. TRUE COPY OF THE SEIZURE MAHAZAR DATED 14.05.2015 PREPARED
BY THE RESPONDENT.**

**EXHIBIT P2. TRUE COPY OF THE CERTIFICATE ISSUED BY THE AGRICULTURAL
OFFICER, THIRUVANVANDOOR DATED 19.05.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J.

W.P.(C) No. 16641 of 2015 (E)

Dated this the 6th day of July, 2015

J U D G M E N T

The petitioner is aggrieved with the seizure of the Excavator JCB bearing registration No.KL-05-AJ-3013 for allegation of offence under the Kerala Conservation of Paddy Land and Wet Land Act, 2008 (for brevity the 'Act'). In the mahazar it is said that there is no allegation. The statement, however, states that it has to be verified as to whether the land is covered under the Act.

2. In such circumstance, the respondent shall transmit the papers to the R.D.O. and the R.D.O. shall transmit the files to the District Collector to take proceedings under Section 20 of the Act. In view of the statement filed regarding the doubt expressed by the officer who seized the vehicle itself, the District Collector shall get a report from the concerned Village Officer as to the nature of the property on which such filling up was alleged to have

been conducted and shall decide the matter at any rate within a period of one month from the date of receipt of the certified copy of this judgment.

Writ Petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE