

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

WP(C).No. 16716 of 2015 (L)

PETITIONER(S):

AKHIL NANDAKUMAR, S/O.NANDAKUMAR,
AGED 24 YEARS, AMMUPILLY HOUSE, THRIKKUR P.O.,
KALLOOR VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT, (OWNER OF THE LORRY
BEARING REGISTRATION NO.KL-45-J-8079).

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S):

1. THE VILLAGE OFFICER, NETTISSERY VILLAGE,
THRISSUR DISTRICT- 680 001.

2. THE DISTRICT COLLECTOR,
THRISSUR DISTRICT - 680 001.

* ADDL. R3 & R4 IMPEADED

3. TSC BANK,
THALODE SERVICE CO-OPERATIVE BANK LTD. NO.435,
THALORE, THRISSUR DISTRICT, PIN - 680 306,
REPRESENTED BY ITS SECRETARY.

4. THE SECRETARY, TSC BANK,
THALODE SERVICE CO-OPERATIVE BANK LTD. NO.435,
THALORE, THRISSUR DISTRICT, PIN - 680 306.

* ADDL. R3 & R4 ARE IMPEADED AS PER ORDER DATED 12.06.2015 IN
IA. NO.7939/2015.

R1 & R2 BY GOVT. PLEADER SRI.BIJU MEENATTOOR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: TRUE COPY OF THE MAHASSAR DATED 25/04/2015 PREPARED BY THE FIRST RESPONDENT.
- P2: TRUE COPY OF THE BUILDING TAX RECEIPT DATED 06/05/2015 ISSUED BY THE SECRETARY, THRISSUR CORPORATION TO ONE MR.TONY C.D.
- P3: TRUE PHOTOGRAPHS OF THE LAND WHICH IS THE SUBJECT MATTER OF EXHIBIT P1 MAHASSAR.
- P4: TRUE COPY OF THE JUDGMENT DATED 30/01/2015 IN WP(C).NO.3081/2015 OF THIS HONOURABLE COURT.
- P5: TRUE COPY OF CERTIFICATE ISSUED BY THE SECRETARY, THALORE SERVICE CO-OPERATIVE BANK LTD., THRISSUR DATED 11/05/2015.
- P6: TRUE COPY OF THE VALUATION CERTIFICATE ISSUED BY THE CONSULTING ENGINEER DATED 11/05/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. VINOD CHANDRAN, J

W.P(C) No. 16716 of 2015

Dated this the 26th day of June, 2015

J U D G M E N T

The petitioner seeks interim custody of the vehicle against which proceedings are taken by the 2nd respondent under the Kerala Conservation of Paddy Land and Wet Land Act, 2008. The proceedings are pending before the 2nd respondent. Petitioner contends that the petitioner is ready to get release of the vehicle on providing sufficient security to secure 1½ times value of the vehicle which is required under the Act. The petitioner makes such submission on the ground that the petitioner is sure that the proceedings would result in the finding that the petitioner is not liable to be proceeded under the Act.

2. The petitioner submits that the petitioner has a property which is mortgaged to the 3rd respondent Bank and that

the petitioner would produce the same before the authority to secure the same. However, it is to be noticed that the properties being mortgaged to the additional 3rd respondent, any proceedings in future initiated by the District Collector would be subject to such mortgage. Further nothing is specified as to the period for which the loan has been taken. The proceedings before the District Collector may reach finality soon and if the District Collector finds against the petitioner, recovery would have to wait till the mortgage is released by the respondent bank for proceeding against the property. In such circumstance, this Court is not satisfied that the mortgaged property can be furnished as security for the release of the vehicle.

3. However if the petitioner provides any other security to the satisfaction of the District Collector, then the release of interim custody of the vehicle shall be considered. In any event, the District Collector shall complete the proceedings

within a period of three months from the date of receipt of a certified copy of this judgment.

Writ petition is dismissed with the above observations.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy/

P.A to Judge