

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 17754 of 2015 (T)

PETITIONER :

**RINCY REJI, W/O. K.C. REJI,AGED 38 YEARS,
KANIYARASSERY HOUSE, MANNAMKANDAM,
IDUKKI DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
IDUKKI, PIN-685 602**
- 2. THE SUB COLLECTOR,
DEVIKULAM, IDUKKI DISTRICT, PIN-685 613**
- 3. THE VILLAGE OFFICER,
MANNAMKANDAM VILLAGE, IDUKKI DISTRICT, PIN-685 561**

BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 17754 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY THE 3RD
RESPONDENT DATED 27.5.2015**

**EXHIBIT P2: TRUE COPY OF THE NOTICE ISSUED TO THE LAND OWNER
KURIAKOSE VARGHESE BY THE 2ND RESPONDENT DATED 27.4.2009**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

K.Vinod Chandran, J.

W.P.(C).No.17754 of 2015-T

Dated this the 23rd day of June, 2015.

JUDGMENT

The petitioner is aggrieved with the seizure of a JCB, bearing registration No.KL-06-D-3168, as per Exhibit P1. The allegation in Exhibit P1 is that the JCB was seen filling up a paddy land, which was lying as a paddy land itself.

2. The specific contention raised by the petitioner is that the land was levelled as early as in 2009. To substantiate that, Exhibit P2 is produced. It is also contended by the learned counsel for the petitioner that the petitioner herein is only a vehicle owner and the JCB was hired to the land owner only since the land was seen in a filled up condition.

3. Essentially it is to be noticed that Exhibit P2 does not at all indicate that the land was filled up as early as in 2009. Exhibit P2 is a notice issued on the allegation of filling up of land in the year 2009. Merely because a proceeding was initiated at that point of time to interdict the filling up of the paddy land, it cannot be said that despite such proceedings the land itself was filled up as early as in 2009. This Court also cannot, *prima facie*,

come to such a conclusion, especially since the specific allegation in Exhibit P1 seizure mahazar was that JCB was seen filling up the paddy land. In such circumstance, the petitioner will have to approach the authorities under the Kerala Conservation of Paddy Land Wetland Act, 2008 for release of the vehicle. The District Collector shall obtain a report from the Village Officer and decide upon the issue as expeditiously as possible, on receipt of an application from the petitioner.

The writ petition is disposed of as above.

Sd/-

K.Vinod Chandran,
Judge

vku.

/ true copy /