

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 18542 of 2015 (P)

PETITIONER :

**SHAJU VARGHESE
S/O. VARGHESE, AGED 46 YEARS
THELEKKATT, KADUKUTTY P.O.,
KALLOOR, VADAKKUMMURI VILLAGE
CHALAKKUDY TALUK, THRISSUR DISTRICT
(OWNER OF A LORRY BEARING REGISTRATION NO. KL-17-A-4370).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE VILLAGE OFFICER
PUTHENVELIKKARA VILLAGE
ERNAKULAM DISTRICT – 682 131.**
- 2. THE TAHASILDAR
NORTH PARAVUR, ERNAKULAM DISTRICT – 682 131.**
- 3. THE SUB INSPECTOR OF POLICE
PUTHENVELIKKARA POLICE STATION
ERNAKULAM DISTRICT – 682 131.**
- 4. THE DISTRICT COLLECTOR
ERNAKULAM DISTRICT – 682030.**

R1 TO R4 BY GOVT. PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-06-2015, ALONG WITH WP(C) NO. 18554/2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 18542 of 2015 (P)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE REPORT DATED 25.5.2015 SUBMITTED BY THE SECOND
RESPONDENT BEFORE THE FOURTH RESPONDENT.

EXT.P2 COPY OF THE PATTa DATED 9.11.1976 ISSUED BY THE LAND
TRIBUNAL, PARAVOOR.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

K. Vinod Chandran, J

W.P.(C).No.18542 of 2015-P & 18554 of 2015-T

Dated this the 22nd day of June, 2015

JUDGMENT

Both the petitioners in the above writ petitions are concerned with the seizure of their lorries, bearing registration Nos.KL-17-A-4370 and KL-07-W-2504. The vehicles were seized on the allegation that a paddy land was sought to be filled up; thus alleging offence under the Kerala Conservation of Paddy Land and Wetland Act, 2008 [for brevity "Paddy Land Act"]. The learned counsel for the petitioners would contend that the vehicles were seized when allegedly an attempt was made to fill up a single property, the patta of which is produced at Exhibit P2, which would indicate that the property is a "Purayidom".

2. The learned Government Pleader, however, would submit, relying on Exhibit P1 in both the writ petitions, that the property in question is a "Nilam".

3. In the above circumstances, definitely the District Collector would have to get a report as to the nature of the property as also the description in the Basic Tax Register, from the Village

Officer, who shall also intimate whether the concerned property is included in the draft data bank or data bank of the area. The District Collector shall call for such report and finalise the proceedings within a period of one month from the date of appearance of the petitioners. The petitioners are directed to appear in the office of the District Collector on 29.06.2015, on which date they shall be given a date of hearing within one month and the matter shall be disposed of as directed hereinabove.

The writ petitions are disposed of as above.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy]