

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 19218 of 2015 (B)

PETITIONER :

**KALFATH.P.V.,AGED 35 YEARS,
S/O.KUNJUMHAMAD, PATTATHU VALAPPIL HOUSE,
NAGALASSERY, KOTTANAD (P.O), PATTAMBI,
PALAKKAD DISTRICT, PIN -679 533**

BY ADV. SRI.K.DILIP

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REP. BY THE SECRECTAR TO THE GOVT. REVENUE DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM -695 001**
- 2. THE VILLAGE OFFICER, ANAKKARA -678 521**
- 3. THE DISTRICT LEVEL MONITORING COMMITTEE,
PALAKKAD, REP BY ITS CONVENER PRINCIPAL AGRICULTURAL
OFFICER,PIN-678 001**
- 4. THE REVENUE DIVISIONAL OFFICER,
PALAKKAD -678 001**
- 5. THE GEOLOGISTS,
DEPARTMENT OF MINING AND GEOLOGY,
PALAKKAD- 678 001**

***ADDL.R6 IMPEADED**

***ADDL.R6: DISTRICT COLLECTOR, PALAKKAD.**

***IS SUO MOTU IMPEADED AS PER ORDER DATED 29/7/2015**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 19218 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: A TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE
BEARING NO. KL-52 -G -2017 DATED 27.03.2014**
- P2: A TRUE COPY OF THE AGREEMENT DATED 26.11.2014**
- P3: A TRUE COPY OF THE RELEVANT PAGES OF THE DRAFT DATA BANK
DATED NIL**
- P4: A TRUE COPY OF THE ORDER OF THE 3RD RESPONDENT DATED 18.07.2013**
- P5: A TRUE COPY OF THE SEIZURE MAHAZAR DATED 17.06.2015**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

W.P.(C) No. 19218 of 2015 (B)

Dated this the 29th day of July, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner's vehicle has been seized, on the basis of an allegation, that the petitioner's vehicle was seen filling up a land which is described as 'paddy land'. The alleged offence is one violating the provisions of the Kerala Conservation of Paddy Land and Wet Land Act, 2008 (for brevity 'Act of 2008').

2. The petitioner contends that Ext.P4 indicates that the property in which the filling up was done had a permission from the Local Level Monitoring Committee under the Act of 2008 for filling up the said property.

3. The learned Government Pleader, however, raises a dispute on the ground that the property covered by Ext.P4 was not the property in which the filling up was done.

4. Since there are disputed questions of facts, it is best left, to be considered by the officer authorised to take confiscation proceedings under Section 20 of the Act of 2008. The 2nd respondent shall, within one week from the date of production of the certified copy of this judgment, transmit the files to the District Collector, who shall, after affording an opportunity of hearing to the petitioner as also getting a report from the Village Officer, as to the particular property on which the filling was done and whether the same has a permission from the Local Level Monitoring Committee, dispose of the matter finally within a period of one month from the date of transmission of the papers. The District Collector, Palakkad is suo motu impleaded herein to facilitate compliance of such orders.

Writ Petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE