

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 20869 of 2015 (G)

PETITIONER(S):

**K.C. CHENTHAMARA, D/O.CHELLAN,
AGED 47 YEARS, KARAYANKAD,
VADAKKANCHERRY P.O., ALATHOOR TALUK,
PALAKKAD DISTRICT.
(OWNER OF A HITACHI EXCAVATOR WITH SERIAL NO.0202-0172).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE SUB INSPECTOR,
VADAKKANCHERRY POLICE STATION,
PALAKKAD DISTRICT-678683.**
- 2. THE DISTRICTY COLLECTOR,
PALAKKAD DISTRICT-678683.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 20869 OF 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE SEIZURE MAHASSAR PREPARED BY THE R1 DATED 31/5/15.**
- P2 - TRUE COPY OF THE RELEVANT PAGES OF DRAFT DATA BANK PREPARED UNDER KERALA CONSERVATION OF PADDY LAND AND WET LAND ACT 2008 ISSUED BY THE AGRICULTURAL OFFICER, KRISHI BHAVAN, KANNAMBRA.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.

W.P(C). No.20869 of 2015

Dated this the 10th day of July, 2015.

JUDGMENT

The petitioner is the owner of a Hitachi Excavator with serial No.0202-0172, which was seized by the first respondent on 31.05.2015 with an allegation that the said Excavator was used for filling up a 'paddy land'. The seizure mahazar is produced at Ext.P1.

2. The petitioner, on the basis of Ext.P2 Draft Data Bank, submits that the subject land was not a 'paddy land'. In any event, that is a matter, which is to be considered by the second respondent. The first respondent shall transmit the files to the second respondent, who shall issue notice to the petitioner and hear the petitioner within three months from the date of production of the certified copy of this judgment. The petitioner, if so desirous, can also apply for interim custody as provided

under the Kerala Conservation of Paddy Lands and Wet Lands Act, 2008.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

sp