

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 35364 of 2014 (U)

PETITIONER:

**K.B.RAVEENDRAN,
S/O.BHARGHAVAN, AGED 61 YEARS,
VIPIN VIHAR, PATHIYOOR WEST,
KEERIKAD P.O., KAYAMKULAM,
ALAPPUZHA DISTRICT, PINCODE-690562.**

BY ADV. SRI.M.G.SREEJITH

RESPONDENT(S):

**1. SUB INSPECTOR OF POLICE,
KAYAMKULAM POLICE STATION,
ALAPPUZHA DISTRICT, PIN COED - 690501,
REPRESENTED BY GOVERNMENT PLEADER,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031.**

**2. THE VILLAGE OFFICER
KAYAMKULAM, PIN - 690501.**

***ADDL. R3 IMPEADED**

**3. THE DISTRICT COLLECTOR,
ALAPPUZHA, PIN - 690 501.**

ADDL. R3 IS IMPEADED AS PER ORDER DATED 23.01.2015 IN IA.637/2015.

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 35364 of 2014 (U)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT-P1: A TRUE COPY OF REGISTRATION CERTIFICATE DATED 13.09.2011.

EXHIBIT-P2: A TRUE COPY OF MAHAZAR DATED 08.12.2014.

**EXHIBIT-P3: A TRUE COPY OF REQUEST DATED 12.12.2014 SUBMITTED BEFORE
THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.35364 OF 2014
.....

Dated this the 23rd January, 2015

J U D G M E N T

The petitioner is stated as the registered owner of the lorry bearing No.**KL.04/R.1477**, which was seized by the second respondent/Village Officer on 08.12.2014, allegedly for violating some provisions of the Kerala Conservation of Paddy Land and Wet Land Act, 2008. After preparing Ext. P2 Mahazar, the second respondent handed over the vehicle to the first respondent/ Sub Inspector of Police.

2. The learned counsel for the petitioner submits that, in spite of approaching the first respondent/Sub Inspector by filing Ext. P3 application for releasing the vehicle, no positive steps have been taken so as to have the proceedings finalized, which made the petitioner to approach this Court by filing the present Writ Petition. The case of the petitioner is that, there is absolutely no basis for seizure of the vehicle since the vehicle was not involved in any illegal activities violating the provisions of the Kerala Conservation of Paddy Land and Wet Land Act, 2008. The learned Counsel for the petitioner submits that the factual position in this regard, though has been brought to the notice of the first respondent, it has not yielded any result.

3. Heard the learned Government Pleader as well.

4. Considering the facts and circumstances, this Court finds that the matter requires to be considered by District Collector, who is the competent authority under Section 20 of Act 28 of 2008, who has been impleaded in the party array as Addl.3rd respondent. Accordingly, the Addl.Third respondent/District Collector is directed to pass an order with regard to interim custody of the vehicle sought for by the petitioner, in accordance with law, at the earliest, at any rate, within 'two weeks' from the date of receipt of a copy of the judgment and finalise the adjudication proceedings, forming the subject matter of Ext.P2 at the earliest, at any rate, within '6' weeks from the date of receipt of a copy of the judgment.

The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the Addl. Third respondent /District Collector for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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