IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

WP(C) NO. 10377 OF 2025

PETITIONERS:

1 BINI BENNY,
AGED 57 YEARS,
W/O.BENNY VARGHESE, ATHIRAMPUZHA HOUSE, VENGOOR P. O, ERNAKULAM DISTRICT, PIN - 683 546.

2 N.K KURIAKOSE,
AGED 73 YEARS,
S/O.KORA KORATH, NARAKATHUKUDY HOUSE, KRARIYELI, KOMBANAD P.O, ERNAKULAM, PIN - 683 546.

BY ADV.MANOJ P.KUNJACHAN

RESPONDENTS:

1 THE DISTRICT COLLECTOR ERNAKULAM
COLLECTORATE, CIVIL STATION,
KAKKANAD, ERNAKULAM, PIN - 682 030.

2 THE VILLAGE OFFICER,
VENGOOR WEST VILLAGE OFFICE, KUNNATHUNAD TALUK,
ERNAKULAM DISTRICT, PIN - 683 545.

3 STATION HOUSE OFFICER,
KURUPPAMPADY POLICE STATION, KURUPPAMPADY P.O,
ERNAKULAM DISTRICT, PIN - 683 545.

4 GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY, CIVIL STATION,
KAKKANAD, ERNAKULAM, PIN - 682 030.

Smt.Amminikutty.K, Sr.GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioners have approached this Court seeking the following reliefs:

> "i. Issue a writ of certiorari to quash Ext P2 Mahazar.
> ii. To declare that the seizure of the JCB/Excavator bearing Registration No. KL-40-T-2659 is illegal in the facts and circumstances of the case.
> iii. Issue a writ of mandamus or any other appropriate writ, order or direction to the respondents to release the JCB/Excavator bearing Registration No. KL-40-T-2659 forthwith.
> iv. Issue a writ of mandamus or any other appropriate writ, order or direction to the 3rd respondent to report the matter of seizure as contemplated under section 19 of the Conservation of Paddy and Wetland Act 2008.
> v. Dispense with the filing of the English translations of the documents in vernacular language produced in this Writ Petition (Civil).
> vi. Grant such other reliefs to deem fit at the facts and circumstances of the case."

2. The 1st petitioner is the owner of the property against which the proceedings were initiated under Section 20 of the Kerala Conservation of Paddy Land and Wetland Act, 2008 and the 2nd petitioner is the owner of the vehicle which is the subject matter of the said proceedings.

3. Today when the matter came up for consideration, the learned Government Pleader upon instruction submitted that as part of the enquiry under Section 20 of the Kerala Conservation of Paddy Land and Wetland Act, 2008, hearing of the parties was conducted and the orders will be passed within a period of three weeks. In such circumstances, as the proceedings are at the final stage, I am of the view that the reliefs sought by the petitioner cannot be granted.

Therefore, this writ petition is disposed of directing the 1st respondent to finalize the proceedings in accordance with law after hearing the petitioner within a period of three weeks from the date of receipt of a copy of this writ petition. It shall be open for the petitioner to move the 1st respondent for release of the vehicle as well.

Sd/-

ZIYAD RAHMAN A.A.

JUDGE

DG/11.4.25

APPENDIX OF WP(C) 10377/2025

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE REGISTRATION CERTIFICATE
Exhibit P2	TRUE COPY OF THE SEIZURE MAHAZAR ISSUED BY THE 3RD RESPONDENT DATED 11/03/2025
Exhibit P3	TRUE COPY OF THE PHOTOGRAPHS SHOWING THE PRESENT CONDITION OF THE PROPERTY