

(2024) 10 KL CK 0065
In the High Court Of Kerala
Case No : Writ Petition (C) No. 33370 Of 2024

Shaji.V.S.

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 10-10-2024

Acts Referred:

Citation : (2024) 10 KL CK 0065

Hon'ble Judges : Dr. Kauser Edappagath, J

Bench : Single Bench

Advocate : Varghese C.Kuriakose, Amritha.J, P.J.Jose, Kuruvilla Mathew, Vipin C. Varghese, Rajeev Jyothish George

Final Decision : Allowed

Judgement

Dr. Kauser Edappagath, J

1. The petitioner is aggrieved by the seizure of his vehicle by the 5th respondent.
2. I have heard Sri. Varghese C. Kuriakose, the learned counsel for the petitioner and Sri. Rajeev Jyothish George, the learned Government Pleader.
3. Admittedly, the petitioner is the owner in possession of the tanker lorry bearing registration No.KL-05-F-537. On 31.8.2024, while he was transporting slurry water, the vehicle was seized by the 5th respondent. It is not released so far.
4. The 5th respondent has filed a statement. In the said statement it is stated that the petitioner was carrying slurry water in the tanker lorry. The reason shown for the seizure is that the outlet of the pipe fixed in the tanker lorry is larger in size than the approved size. That is not a ground for seizure of the vehicle. It is admitted that no action has been taken and no case has been registered against the petitioner under any provision of law. Thus, the detention of the tanker lorry with the 5th respondent cannot be justified.
5. The learned Government Pleader submits that the 5th respondent has handed

over the vehicle to the District Collector/6th respondent. The petitioner has already filed Ext.P6 application before the 6th respondent for release of the vehicle. Hence, the 6th respondent is directed to release the vehicle to the petitioner forthwith on execution a self bond by him.

The writ petition is allowed.