

(2021) 06 KL CK 0124

In the High Court Of Kerala

Case No : Writ Petition (C) No. 10509 Of 2021

Sudheer Sukumaran

APPELLANT

Vs

District Collector Thiruvananthapuram , Collectorate, Civil
Station, Kadappanakunnu, Thiruvananthapuram

RESPONDENT

Date of Decision : 09-06-2021

Acts Referred:

Code of Criminal Procedure, 1973 — Section 19, 20</li.

Citation : (2021) 06 KL CK 0124

Hon'ble Judges : C. S. Dias, J

Bench : Single Bench

**Advocate : S.Muhammed Haneeff, ,M.H.Asif Ali, T.Sailesh Kumar, Shaima Vahab,
Paul Abraham Vakkanal**

Final Decision : Dismissed

Judgement

C.S.Dias, J

1. The petitioner claims to be the owner in possession of the properties covered by Ext P1 land tax receipt. He is aggrieved by the seizure of his

vehicles and other materials by respondents 2 and 3 from his property without any authority.

2. It is the case of the petitioner that he was carrying out works that were allotted to him as per Ext P2 selection notice issued by the fourth

respondent. On an anonymous complaint, on 4.1.2021, the respondents 2 and 3 seized the vehicles belonging to the petitioner bearing registration Nos

KL-21C-9424, KL-21-K-6410, KL-22M-6028, KL-04AB-5221 and KL-22N-9862 (Bob cat). The petitioner contends that the seizure is illegal and

unwarranted and flouting the provisions of Sec.19 of the Code of Criminal Procedure, 1973 (in short 'Code'). The respondents 2 and 3 have seized the

vehicles without the presence of any witness and without preparing a seizure mahazar as contemplated under the Code.

3. Aggrieved by the seizure of the vehicles and the materials, the petitioner has preferred Ext P5 representation before the first respondent, but no

action has been taken on the same. The petitioner has again submitted Ext P9 representation before the respondents 1 and 2 for the release of the

vehicles and materials, but there is inaction on the part of the said respondents. Hence the petitioner seeks for a direction to the respondents 1 to 3 to

release the aforesaid vehicles and other materials seized from the petitioner's property .

4. Heard the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents.

5. The learned counsel appearing for the petitioner contended that the entire procedure adopted by the respondents is in contravention of the

provisions of the Code of Criminal Procedure and is therefore vitiated. The respondents were bound to follow the procedure contemplated under the

Code. Moreover, the respondents are bound to consider the representations submitted by the petitioner.

6. Per contra, the learned Government Pleader argued that as the vehicles were seized as they were found violating the provisions of the Kerala

Conservation of Paddy Land and Wetland Act, 2008 (in short 'Act') and therefore, the respondents are empowered to enter and seize the vehicles

and materials as provided under Sec.19 of the Act. Now the matter is pending consideration before the first respondent, who has to finalise the

proceedings as provided under Sec.20 of the Act. The writ petition is devoid of any merits and is only liable to be dismissed.

7. After considering the pleadings, materials on record and the provisions of the Act, it is explicitly clear that any Officer of the Revenue Department

or an Officer authorised by the Government has the power, inter alia, to seize any vehicle or any other conveyance, which is used for any activity in

contravention of the provisions of the Act. Therefore, the contention of the petitioner that the entire proceedings is vitiated does not hold good. As the

vehicles and the materials were seized for the alleged contravention of the Act, it is up to the first respondent, based on the materials and the reports

of the Revenue Officials, to decide whether the vehicles and the materials have to be confiscated as provided under Sec.20 of the Act.

8. Taking into account the fact that the vehicles and materials were seized as early as on 4.1.2021, I direct the first respondent to finalise the proceedings leading to the seizure, as contemplated under the above Act and in accordance with law, as expeditiously as possible and at any rate within a period of six weeks from the date of production of a copy of this judgment. The first respondent shall advert to the contention raised in Exts P5, P8 and P9 representations submitted by the petitioner while taking a decision in the matter.

The writ petition is ordered accordingly.