IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

FRIDAY, THE 22ND DAY OF DECEMBER 2023/1ST POUSHA, 1945

WP(C) NO. 29126 OF 2023

PETITIONER:

MANIKANDAN THEKKEKOOTATHODIYIL
AGED 36 YEARS
S/O. GOVINDANKUTTY NAIR
THEKKEKOOTATHODIYIL HOUSE
KIZHAYUR POST
PATTAMBI, PALAKKAD DISTRICT,
PIN – 679 303.

BY ADVS.
K.S ARUN KUMAR
AMRUTHA K. P
AMRUTHA P. S
VIJAY SANKAR V. H
SRUTHY UNNIKRISHNAN
SAQIB RIZWAN
JERIN JOSEPH
ARYA B. VENUGOPAL
ELDHO BABY
ANANDALAKSHMI SANKARARAMAN

RESPONDENTS:

1. **THE DISTRICT COLLECTOR**
   CIVIL STATION, PALAKKAD
   PIN – 678 001.
2. **DEPUTY TAHASILDAR**
   CIVIL STATION COMPLEX
   PATTAMBI TALUK
   PALAKKAD DISTRICT,
   PIN – 678 001.
3. **VILLAGE OFFICER**
   PATTAMBI TALUK
   PALAKKAD DISTRICT,
   PIN – 679 303.
4. **THE SUB INSPECTOR OF POLICE**
   PATTAMBI, PALAKKAD DISTRICT,
   PIN – 679 303.
5. **GEOLOGIST/ASST. GEOLOGIST/M.R.I**
   DEPT. OF MINING AND GEOLOGY DISTRICT OFFICE
   PALAKKAD DISTRICT, PIN – 679 303.

6 M. MUHAMMED
MADAKATTU VALAPPIL
KEEZHAYUR P. O
PATTAMBI
PALAKKAD, PIN – 679 303.

7 KHADEEJA MUHAMMED
KEEZHAYUR P. O
PATTAMBI, PALAKKAD,
PIN – 679 303.

SMT. DEEPA V. - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is the owner of a JCB bearing Registration No.KL-59H/1387. The 2nd respondent seized the JCB of the petitioner alleging commission of the offences under Kerala Conservation of Paddy Land and Wetland Rules, 2008. The District Collector passed Ext.P4 order *in lieu* of confiscation, a sum of Rs.4,65,000/- to be deposited for release of vehicle. This writ petition is filed *inter alia* for a direction to the 1st respondent to permit the petitioner to deposit the amount covered by Ext.P4 in installments.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. There will be an interim direction to the 1st respondent to release the seized vehicle on condition the petitioner remits an amount of Rs.1,00,000/- within a period of ten days. The balance amount covered by Ext.P4 shall be remitted by the petitioner in ten equal monthly installments commencing from

02.02.2024. On payment of the amount of Rs.1,00,000/- as above, the vehicle shall be released to the petitioner on the petitioner giving an undertaking before the 1st respondent that he will not sell or transfer the vehicle or do any act diminishing the value of the vehicle till the entire amount covered by Ext.P4 is paid. The petitioner shall also give an undertaking that he will not involve himself in any offences as referred to in Ext.P4. If the petitioner defaults any of the installments as aforesaid, it will be open to the 1st respondent to repossess the vehicle and to proceed against the petitioner, in accordance with law.

The writ petition is disposed of with the above direction.

Sd/-

MURALI PURUSHOTHAMAN
JUDGE

SPR

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1	TRUE COPY OF THE RELEVANT PAGE OF THE R.C BOOK.
EXHIBIT P2	TRUE COPY OF THE SEIZURE MAHAZAR DATED 13-08-2023.
EXHIBIT P3	A TRUE COPY OF THE REPRESENTATION DATED 22-08-23.
EXHIBIT P4	A TRUE COPY OF THE ORDER NO. DCPKD/11289/2023 DATED 09/11/23 ISSUED BY 1ST RESPONDENT.

RESPONDENTS EXHIBITS: NIL.