

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**FRIDAY, THE 30TH DAY OF SEPTEMBER 2016/8TH ASWINA, 1938**

**WP(C).No. 31058 of 2016 (F)**  
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**PETITIONER:**  
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**SURESH BABU  
AGED 55 YEARS, S/O KUNHIRAMAN  
THEVARKUNNUMMAL, MENJANYAM, PERAMBRA P.O.  
KOZHIKODE DISTRICT, PIN-673 525.**

**BY ADVS.SRI.P.R.SREEJITH  
SRI.M.PRAMODH KUMAR  
SMT.MAYA CHANDRAN**

**RESPONDENTS:**  
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- 1. THE DISTRICT COLLECTOR  
KOZHIKODE, PIN-673 001.**
- 2. THE DEPUTY COLLECTOR (LAND REVENUE)  
CIVIL STATION, KOZHIKODE, PIN-673 020.**
- 3. THE VILLAGE OFFICER  
MENJANYAM, PERAMBRA, PIN-673 525.**

**BY SENIOR GOVERNMENT PLEADER SRI.SURIN GEORGE IPE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
30-09-2016, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS :-**  
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- EXT.P1        -        PHOTOGRAPHS OF THE PETITIONER'S PROPERTY WHERE THE JCB WAS BROUGHT FOR GROUND LEVELING.
- EXT.P2        -        COPY OF THE 3RD RESPONDENT'S INSPECTION REPORT DATED 03.08.2016.
- EXT.P3        -        COPY OF THE REPORT SUBMITTED BY THE JUNIOR SUPERINTENDENT (LR) DATED 10.08.2016 BEFORE THE 2ND RESPONDENT.
- EXT.P4        -        COPY OF THE NOTICE DATED 10.06.2016 OF THE 2ND RESPONDENT.
- EXT.P5        -        COPY OF THE PETITIONER'S STATEMENT TO THE 2ND RESPONDENT FOLLOWING EXT.P4.

**RESPONDENTS' EXHIBITS:- NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**sp**

**K. VINOD CHANDRAN, J.**

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**W.P(C). No.31058 of 2016-F**  
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**Dated this the 30<sup>th</sup> day of September, 2016**

**JUDGMENT**

The petitioner's vehicle, an excavator, bearing Registration No.KL 58/3996, was seized on 23/04/2016. The seizure was effected on the ground that the activity carried on by the Excavator was in violation of provisions of the Kerala Conservation of Paddy Land and Wet Land Act, 2008.

2. The petitioner asserts that the land, in which the Excavator was operated, was not a paddy land and was a garden land. The petitioner also relies on Ext.P2 report of the

Village Officer and Ext.P3 report of the Junior Superintendent, Collectorate, who was specifically directed to inspect the land. Both the said reports, according to the petitioner, indicated that the land, from which the excavator was seized, is a garden land. The learned Senior Government Pleader on instructions submits that the matter was heard and report of the Agricultural Officer is awaited.

In such circumstance, the District Collector shall expedite the report of the Agricultural Officer and order shall be passed, looking at the report of the Village Officer and Junior Superintendent of the Collectorate, who had inspected the property on the specific direction issued by the Deputy Collector. The

final order shall be passed, at any rate, within one month from the date of receipt of a certified copy of this judgment.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,  
JUDGE.**

//True Copy//

P.A. to Judge.

sp/01/10/16