

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE
&
THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

Friday, the 17th day of October 2025 / 25th Aswina, 1947

WA NO. 2448 OF 2025

ARISING FROM JUDGMENT DATED 07/10/2025 IN WP(C) 16627/2025 OF THIS COURT
APPELLANT(S)/WRIT PETITIONER:

VENUGOPALAN C., AGED 55 YEARS NADUVILANKANDI HOUSE, MOCHERY, ULIYIL
P.O, IRITTY, KANNUR, PIN - 670702

BY.ADVS.M/S. KRISHNA PRASAD. S, SINDHU S KAMATH, SWAPNA S.K., ROHINI
NAIR, SURAJ KUMAR D., SUNILKUMAR K.K., A.KARTHIKA SIVAN

RESPONDENT(S)/RESPONDENTS:

1. THE TAHSILDAR (LAND RECORDS), TALUK OFFICE, MANANTHAVADY, WAYANAD DISTRICT, PIN - 670645
2. THE VILLAGE OFFICER, MANANTHAVADY VILLAGE OFFICE, THAZHE ANGADI, MANANTHAVADY, KERALA, PIN - 670645
3. THE DISTRICT COLLECTOR, COLLECTORATE, KALPETTA, WAYANAD DISTRICT, PIN - 673121
4. STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF REVENUE AND LAND RECORDS, SECRETARIAT, THIRUVANANTHAPURAM DISTRICT, PIN - 695001
5. *ADDL.R5:ATTAKOYA KUNYIL, RAHATH MANZIL, CHERAPURAM P.O., KAKKATTIL (VIA), VELAM VILLAGE, KOZHIKODE DISTRICT, PIN - 673 507.
6. *ADDL.R6: ABDUL SATHAR, S/O ASAINAR, PAZHENTHOTTATIHL HOUSE, MADAPPALLI, URALUNGAL, KOZHIKODE DISTRICT, PIN - 673 102.
7. *ADDL.R7: HASEENA, W/O BRAN ABOOBAKKER (LATE), BRAN HOUSE, PAALAMUKKU, NALLOORNADU VILLAGE, KOZHIKODE DISTRICT, PIN - 673 592".
*ADDL R5 TO R7 ARE SUO MOTU IMPEADED AS PER ORDER DATED 17.10.2025 IN WA 2448/2025.

BY GOVERNMENT PLEADER FOR R1 TO R4

Prayer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum, the High Court be pleased to direct the respondents to release the JCB EXCAVATOR bearing registration No.KL-78-0404 to the appellant, pending disposal of this Writ Appeal, in the interest of justice.

This Writ appeal coming on for orders on 17.10.2025 upon perusing the appeal memorandum, and this court's order dated 14.10.2025, the court on the same day passed the following:

A. MUHAMED MUSTAQUE & HARISANKAR V. MENON, JJ.

W.A. No.2448 of 2025

Dated this the 17th day of October, 2025

ORDER

A. Muhamed Mustaque, J.

We find that the law is quite harsh on the owner of the JCB excavator. It results in confiscation of the vehicles used for reclaiming paddy land, and the owner of the land who engaged the driver or owner of the vehicle has no legal obligations under Section 20 of the Kerala Conservation of Paddy Land and Wetland Act, 2008 (hereinafter referred to as 'the Act'). We had to examine the vicarious liability of the owner of the land. He can go scot-free, merely restoring the land in its original position as referred to in Section 13 of the Act. We are looking at an angle where the owner of the land can be proceeded against for the value of the vehicle under Section 20 of the Act, especially in this case, as the owner of the land had admitted that the paddy land was reclaimed without obtaining any permission. Therefore, we are of the view that the owners of the land shall be impleaded, and the owners:-

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- “1. Attakoya Kuniyil,
Rahath Manzil,
Cherapuram P.O., Kakkattil (Via),
Velam Village, Kozhikode District, PIN – 673 507.
2. Abdul Sathar,
S/o Asainar,
Pazhenthottatihil House,
Madappalli, Uralungal, Kozhikode District,
PIN – 673 102.
3. Haseena,
W/o Bran Aboobakker (Late),
Bran House, Paalamukku, Nalloornadu Village,
Kozhikode District, PIN – 673 592”.

are *suo motu* impleaded as additional respondents 5 to 7.

2. In such circumstances, we order the interim release of the vehicle to the appellant on the following conditions:

- (i) The Registration Certificate of the vehicle shall be surrendered to the District Collector, Wayanad;
- (ii) The appellant shall execute a bond for the value of the vehicle assessed as per Section 20 of the Act.

3. We make it clear that the vehicle is to be surrendered as and when this Court orders otherwise in this appeal. The

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operation of the impugned judgment dated 07.10.2025 in W.P.(C) No.16627 of 2025 is stayed. The appellant shall not alienate or transfer the vehicle without permission of this Court.

4. In the meanwhile, we also direct the District Collector, Wayanad, to proceed against the owner of the land under Section 13 of the Act and report compliance before this Court by the next posting.

5. Notice to the additionally impleaded respondents shall be served through the jurisdictional police.

Post on 28.10.2025.

Handover



Sd/-

A. MUHAMED MUSTAQUE, JUDGE

Sd/-

HARISANKAR V. MENON, JUDGE

Skk