

## Shaji.V.S. Vs State Of Kerala

**Court:** High Court Of Kerala

**Date of Decision:** Oct. 10, 2024

**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.Ã, 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.