

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 26TH DAY OF AUGUST 2020 / 4TH BHADRA, 1942

WP(C).No.17012 OF 2020(B)

PETITIONER/S:

SANTHA

W/O. BALAN, PACHAPILLY HOUSE, PUZHAKKAL P.O, THRISSUR
DISTRICT 680 553

REPRESENTED BY HERE POWER OF ATTORNEY HOLDER, C.K
BINOY, S/O. KOCHUNNI, AGED 46 YEARS, CHERUVATHOOR
HOUSE, KUNNAMKULAM P.O, THRISSUR DISTRICT 680 503

BY ADV. SRI.BINOY VASUDEVAN

RESPONDENT/S:

- 1 THE TAHASILDAR
THRISSUR TALUK, TALUK OFFICE, PALACE ROAD, THRISSUR
680 001
- 2 THE VILLAGE OFFICER,
PUZHAKKAL VILLAGE, PUZHAKKAL P.O, THRISSUR DISTRICT
680 553

OTHER PRESENT:

SR GP SRI SAIGI JACOB PALATTY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26.08.2020, ALONG WITH WP(C).17027/2020(C), WP(C).17047/2020(E),
WP(C).17124/2020(M), THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 26TH DAY OF AUGUST 2020 / 4TH BHADRA, 1942

WP(C).No.17027 OF 2020(C)

PETITIONER/S:

PURUSHOTHAMAN
S/O. KARAPPAN, CHIRAKKAL HOUSE, AMARANAGAR P.O,
THRISSUR DISTRICT 680 555 REPRESENTED BY HER POWER
OF ATTORNEY HOLDER C.K BINOJ, S/O. KOCHUNNI, AGED
46 YEARS, CHERUVATHOOR P.O, THRISSUR DISTRICT 680
503

BY ADV. SRI.BINOY VASUDEVAN

RESPONDENT/S:

- 1 THE TAHASILDAR
THRISSUR TALUK, TALUK OFFICE, PALACE ROAD, THRISSUR
680 001
- 2 THE VILALGE OFFICER,
PUZHAKKAL VILLAGE, PUZHAKKAL P.O, THRISSUR DISTRICT
680 553

OTHER PRESENT:

GP SRI K J MANURAJ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26.08.2020, ALONG WITH WP(C).17012/2020(B), WP(C).17047/2020(E),
WP(C).17124/2020(M), THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 26TH DAY OF AUGUST 2020 / 4TH BHADRA, 1942

WP(C).No.17047 OF 2020(E)

PETITIONER/S:

SARASWATHY

D/O. VELAYUDHAN, KANNADIPARAMBIL HOUSE, PUZHAKKAL P.O, THRISSUR DISTRICT, 680 553, REPRESENTED BY HER POWER OF ATTORNEY HOLDER, C.K.BINOJ, S/O. KOCHUNNI, AGED 46 YEARS, CHERUVATHOOR HOUSE, KUNNAMKULAM P.O, THRISSUR DISTRICT, 680 503.

BY ADV. SRI.BINOY VASUDEVAN

RESPONDENT/S:

- 1 THE TAHSILDRAR, THRISSUR TALUK
TALUK OFFICE, PALACE ROAD, THRISSUR, 680 001.
- 2 THE VILLAGE OFFICER,
PUZHAKKAL VILLAGE, PUZHAKKAL P.O, THRISSUR
DISTRICT, 680 553.

OTHER PRESENT:

SRI.K.J.MANU RAJ, GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.08.2020, ALONG WITH WP(C).17012/2020(B), WP(C).17027/2020(C), WP(C).17124/2020(M), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 26TH DAY OF AUGUST 2020 / 4TH BHADRA, 1942

WP(C).No.17124 OF 2020(M)

PETITIONER/S:

SANTHA

W/O ASOKAN, CHULLIPARAMBIL HOUSE,

PUZHAKKAL.P.O, THRISSUR DISTRICT, -680533, REPRESENTED

BY HER POWER OF ATTORNEY

HOLDER, C.K.BINOJ, S/O.KOCHUNNI,

AGED 46 YEARS, CHERUVATHOOR HOUSE,

KUNNAKULAM.P.O, THRISSUR DISTRICT-680503.

BY ADV. SRI.BINOY VASUDEVAN

RESPONDENT/S:

- 1 THE TAHASILDAR
THRISSUR TALUK, TALUK OFFICE,
PALACE ROAD, THRISSUR-680001.
- 2 THE VILLAGE OFFICER,
PUZHAKKAL VILLAGE, PUZHAKKAL.P.O,
THRISSUR DISTRICT-680533.

OTHER PRESENT:

SRI.SAIGI JACOB PALATTY, SR.GOV'T.PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.08.2020, ALONG WITH WP(C).17012/2020(B), WP(C).17027/2020(C), WP(C).17047/2020(E), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ALEXANDER THOMAS, J.

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**W.P.(C.) Nos. 17012, 17027, 17047
and 17124 of 2020**

Dated this the 26th day of August, 2020**JUDGMENT**

These cases are disposed of, on the basis of common judgment as the main issue raised in these cases is identical.

2. The prayers in the Writ Petition (Civil) No. 17012 of 2020 are as follows :

- "I. Issue a writ of Mandamus or other appropriate Writ, Orders or directions, commanding the 1st respondent to grant permission under Section 27A of the Kerala Conservation of Paddy Land and Wet Land Amendment Act, 2018 by considering Exhibit P-3 application as expeditiously as possible at any rate within a time frame to be fixed by this Hon'ble Court;*
II. Render such other orders or directions as this Hon'ble Court may deem just, fit and necessary in the facts and circumstances of the case."

3. The prayers in the Writ Petition (Civil) No.17027 of 2020 are as follows :

- "I. Issue a writ of Mandamus or other appropriate Writ, Orders or directions, commanding the 1st respondent to grant permission under Section 27A of the Kerala Conservation of Paddy Land and Wet Land Amendment Act, 2018 by considering Exhibit P-3 application as expeditiously as possible at any rate within a time frame to be fixed by this Hon'ble Court;*
II. Render such other orders or directions as this Hon'ble Court may deem just, fit and necessary in the facts and circumstances of the case."

4. The prayers in the Writ Petition (Civil) No. 17047 of 2020 are as follows :

- "I. Issue a writ of Mandamus or other appropriate Writ, Orders or directions, commanding the 1st respondent to grant permission under Section 27A of the Kerala Conservation of Paddy Land and Wet Land Amendment Act, 2018 by considering Exhibit P-3 application as expeditiously as possible at any rate within a time frame to be fixed by this Hon'ble Court;*
II. Render such other orders or directions as this Hon'ble Court may deem

just, fit and necessary in the facts and circumstances of the case.”

5. The prayers in the Writ Petition (Civil) No.17124 of 2020 are as follows :

“I. Issue a writ of Mandamus or other appropriate Writ, Orders or directions, commanding the 1st respondent to grant permission under Section 27A of the Kerala Conservation of Paddy Land and Wet Land Amendment Act, 2018 by considering Exhibit P-3 application as expeditiously as possible at any rate within a time frame to be fixed by this Hon’ble Court;

II. Render such other orders or directions as this Hon’ble Court may deem just, fit and necessary in the facts and circumstances of the case.”

6. Heard Sri. Binoy Vasudevan, learned counsel appearing for the petitioners in these four cases and Sri.K.J.Manuraj, learned Government Pleader appearing for the respondents in these cases.

7. In the instant cases, there is no dispute that the subject properties have been converted as purayidom /garden land much prior to 12.08.2008 the date of coming into the force of Kerala Conservation of Paddy Land and Wetland Act 2008. So also it is beyond any dispute that the respective petitioners have filed the requisite applications under Rule 6 (2) of the Kerala Land Utilization Order, 1967 much before 30.12.2017 which is the date of coming into the force of amended provisions of the said 2008 Act which has introduced Section 27A thereof. In these cases, the petitioners have also secured Ext.P2 orders issued by the Revenue Divisional Officer granting necessary formal permission under Rule 6 (2) of the Kerala Land Utilization Order, 1967 for converting the subject properties as garden land/ purayidom and for its use for any non agricultural purposes. Thus it can be seen that in these cases, the

petitioners have not only made the applications under Rule 6 (2) of the Kerala Land Utilization Order, 1967 but also actually secured the necessary statutory orders under Rule 6 (2) of the Kerala Land Utilization Order, 1967 much before 30.12.2017, which is the date of coming into the force of amended provisions of the said 2008 Act.

8. It is by now well settled by a series of rulings of this Court in such cases where the subject property has been converted as purayidom /garden land prior to 12.08.2008 and where the requisite application under Rule 6 (2) of the Kerala Land Utilization Order, 1967 has been submitted by the party concerned before 30.12.2017 (date of coming into the force of amended provisions of 2008 Act), then on allowing of such application, the party is also equally entitled to maintain the requisite application under Section 6A of the Kerala Land Tax Act, 1961 before the respondent Tahasildar concerned seeking for fresh assessment of the subject property for securing additional entries in the BTR to correctly show the land as purayidom /garden land instead of the earlier entries in the BTR as to Nilam/paddy land, and without having to pay any amounts stipulated as per the amended provisions of 2008 Act including Section 27A thereof and any other amended Rules framed thereunder.

9. The position in this regard has been well settled by a series of rulings including that in the Division Bench of this Court as in **LLMC**,

Kizhakkambalam Grama Panchayat Vs. Mariumma [2015 (2) KLT 516 (DB)] and **Tahsildar, Thodupuzha Taluk and anr. Vs. Renjith George** [2020 (1) KHC 865 (DB)] etc. Therefore, the position in this regard is categorically declared and ordered.

10. Now the petitioners in these cases have filed Ext. P3 applications before the 1st respondent-Tahasildar for getting the benefit of reassessment of subject properties under section 6A of the Kerala Land Tax Act, for securing additional entries in the Basic Tax Register for correctly showing the subject property as garden land/Purayidom instead of the earlier entries as Nilam /Paddy land.

11. Accordingly, it is ordered that the 1st respondent-Tahsildar will immediately take up the requests made by the petitioners in applications produced by them as Ext. P3 for consideration, without much delay and after affording reasonable opportunity of being heard to the petitioners through authorized representatives/counsel, if any, should pass necessary orders under Section 6A of the Kerala Land Tax Act for getting additional entries in the BTR for the subject properties concerned to correctly show the subject properties as garden land/purayidom, instead of the earlier entries as Nilam /Paddy land without much delay preferably within a period of one month from the date of production of a certified copy of this judgment and strictly in accordance with the dictum laid down by the Division Bench of this Court in **Mariumma's** case (supra) [2015 (2) KLT

516 (DB)] and ***Renjith's*** case (supra) [2020 (1) KHC 865 (DB)] and without making the petitioners paying any amounts stipulated as per the amended provisions of 2008 Act including Section 27 (A) thereof and any other amended provisions of the rules framed thereunder, including Rule 12(17) thereof.

With these observations and directions, the above Writ Petition (Civil) will stand disposed of.

SD/-
ALEXANDER THOMAS
JUDGE

SKS

APPENDIX OF WP (C) 17012/2020**PETITIONER'S/S EXHIBITS:**

EXHIBIT P1	TRUE COPY OF THE PURCHASE CERTIFICATE NO. 76/98 DATED 06-03-1998 PURSUANT TO THE DECISION OF THE TALUK LAND BOARD, THIRSSUR.
EXHIBIT P2	TRUE COPY OF D1-13185/08 (A) K.DIS DATED 23-08-2008
EXHIBIT P3	TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 28-07-2020

APPENDIX OF WP (C) 17027/2020**PETITIONER'S/S EXHIBITS:**

EXHIBIT P1	TRUE COPY OF THE PURCHASE CERTIFICATE NO. 75/98 DATED 06-03-1998
EXHIBIT P2	TRUE COPY OF ORDER NO. D1-7130/08/K.DIS (7) DATED 05-07-2008
EXHIBIT P3	TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 01-08-2020

APPENDIX OF WP (C) 17047/2020**PETITIONER'S/S EXHIBITS:**

EXHIBIT P1	TRUE COPY OF THE PURCHASE CERTIFICATE NO. 17/98 DATED 06.03.1998 PURSUANT TO THE DECISION OF THE TALUK LAND BOARD, THRISSUR.
EXHIBIT P2	TRUE COPY OF ORDER NO. D1-7130/08/K.DIS (8) DATED 05.07.2008.
EXHIBIT P3	TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 03.08.2020.

APPENDIX OF WP (C) 17124/2020**PETITIONER'S/S EXHIBITS:**

EXHIBIT P1	TRUE COPY OF THE PURCHASE CERTIFICATE NO.78/98 DATED 06-03-1998 PURSUANT TO THE DECISION OF THE TALUK LAND BOARD, THRISSUR.
EXHIBIT P2	TRUE COPY OF ORDER NO.D1-7130/08/K.DIS (10) DATED 05.07.2008
EXHIBIT P3	TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 03.08.2020.