

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.14731 OF 2024
(Arising out of SLP(C)No.9524 of 2020)

THE TAHSILDAR & ANR.

... APPELLANTS

Versus

RENJITH GEORGE

... RESPONDENT

WITH

CIVIL APPEAL No.14732 OF 2024
(Arising out of SLP(C)No.12312 of 2020)

CIVIL APPEAL No.14733 OF 2024
(Arising out of SLP(C)No.13489 of 2020)

O R D E R

1. Leave granted.
2. Heard learned Senior Counsel for the parties and carefully perused the material placed on record.
3. The controversy herein has emanated from the applications moved by the respondent-landowners for the conversion of their 'paddy land' into 'non-agricultural purpose land'. It appears that most of the respondents had moved the above-mentioned applications before the Revenue Divisional Officer under Clause 6 of the Kerala Land Utilisation Order, 1967. Some of these applications were allowed granting the conversions, while some remained pending. Meanwhile, the Kerala Conservation of Paddy Land and Wetland (Amendment) Bill, 2018 was passed to amend the Kerala Conservation of Paddy Land and Wetland Act, 2008 (for short, '2008 Act'). The amended Act came into force w.e.f 30.12.2017, as is evident from Section 1(2) of the Amendment Act, which reads as follows:

"1(2) It shall be deemed to have come into force on the

30th day of December, 2017.”

4. The dispute eventually arose when the statutory authorities rejected the pending claims for conversion of land to non-agricultural purposes primarily on the premise that the new parameters introduced through the 2018 Amendment Act (which came into force from 30.12.2017) would apply. The authorities as well as the State of Kerala, in this regard, placed reliance on a judgment of this Court in Revenue Divisional Officer Fort, Kochi and others vs. Jalaja Dileep and another, (2015) 11 SCC 597. That was a case pertaining to the interpretation of provisions of the Kerala Land Tax Act, 1961, where this Court, having examined Section 18 of that Act, held that the said provision enabling the “rectification of mistake” cannot be invoked for the purpose of seeking conversion of ‘paddy land’ to ‘non-agricultural purposes’. There seems to be no quarrel about the legal position to that effect.

5. The High Court was thus called upon to analyze the legal impact and consequences of the amendment to the 2008 Act as introduced with effect from 30.12.2017.

6. Through the aforesaid Amendment Act a new definition of “change of nature of unnotified land”, was also inserted, which reads as under:

“(i) “Change of nature of unnotified land” means such act or series of acts whereby the nature of an unnotified land is changed or has been changed irreversibly and in such a manner that it cannot be reverted back to the original condition by ordinary means.”

7. Similarly, in Clause (vi) of Section 2, after the words

"paddy land", the words "or unnotified land" were added.

8. The expression "unnotified land" has also been defined in Clause (xviiA) of the same provision, to mean that:

"unnotified land" means the lands within the area of jurisdiction of the Committee which have been included as paddy land or wetland in the basic tax register maintained in Village Offices, but are not notified as paddy land or wetland under sub-section (4) of Section 5."

9. Likewise, a new set of sections, i.e., Sections 27A to 27D have been incorporated in the Principal Act after Section 27 thereof.

10. The newly added Section 27C, inter alia, pertains to changes made in the revenue records, pursuant to the orders passed by competent Forums, and the continuous maintenance of such records. It reads as under:

"(1) Notwithstanding anything contained in any other law for the time being in force or in any judgment, decree or order of any Court, Tribunal or any other Authority, wherever a part of a survey number or subdivisions is permitted to be converted under sections 8, 9, 10 or 27A of this Act, a new sub-division shall be created for the extent for which such orders for conversion are issued.

(2) Where the paddy land or unnotified land is duly converted as per the provisions of this Act, the Tahsildar shall re-assess the land tax under Section 6A of the Kerala Land Tax Act, 1961 (13 of 1961) and make necessary entries in revenue records relating to such lands.

(3) Where such changes are recorded in revenue records, the number and date of the order and the authority granting sanction, the survey number of the lands for which sanction has been accorded, extent of the land in each survey number for which sanction has been accorded and the revised land tax shall be clearly recorded ensuring that the old entries are legible.

(4) Tahsildar shall conduct periodical checks to ensure that changes in revenue records are in accordance with sub-section(3).

(5) No attempt shall be made to alter or change or modify the revenue records relating to the paddy land or wetland or unnotified land otherwise than in accordance with sub-

section (3).

11. The short question that ultimately fell for consideration before the High Court was as to whether the conditions embedded through the 2018 Amendment Act shall apply on pending applications for change of the nature of 'paddy land' to 'non-agricultural purposes'. We may hasten to add here that despite the insertion of a separate definition of 'un-notified land', the legislature has treated both 'paddy land' and 'unnotified land' at par for the purpose of their conversion as non-agricultural lands. The nature of land, whether a 'paddy land' or 'un-notified land' thus becomes immaterial when applying its conversion to non-agricultural purposes. The only issue that survives is whether the conditions introduced through the 2018 Amendment Act can be applied to the applications which were already pending consideration before the amended Act came into force.

12. We do not deem it necessary to delve into the aforesaid question and determine whether the amended Act is retrospective or retroactive in effect. We say so for the reason that the Legislature has explicitly introduced the amended provisions from 30.12.2017 only. At best, the new conditions inserted through the 2018 Amendment Act can, therefore, be enforced *qua* those applicants only, who applied for the conversion of their lands after 30.12.2017. In other words, all those applications which had been submitted prior to the amended Act coming into force, shall be governed by the conditions contained under the unamended statutory scheme.

13. Our above understanding of the amended provisions, is

also in conformity with Section 27A(13) of the Amending Act, which mandates that the applications moved after the Amending Act has come into force, shall be decided as per the newly amended provisions. This provision, in our considered opinion, clarifies by implication that such applications which were moved before 30.12.2017, will have to be adjudicated as per the unamended Act.

14. We, thus, see no infirmity in the view taken by the High Court, except to clarify the legal position to the extent above.

15. The appeals are, accordingly, dismissed with the aforementioned clarification.

16. As a result, all the pending interlocutory applications, including the application for intervention, stand disposed of.

.....J.
(SURYA KANT)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
DECEMBER 19, 2024.

ITEM NO.8

COURT NO.3

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).9524/2020

[Arising out of impugned final judgment and order dated 29-01-2020 in WA No.2516/2019 passed by the High Court of Kerala at Ernakulam]

THE TAHSILDAR & ANR.

Petitioner(s)

VERSUS

RENJITH GEORGE

Respondent(s)

IA No.29725/2024 - INTERVENTION APPLICATION
WITH

SLP(C) No. 12312/2020 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 105701/2020

FOR APPLICATION FOR VACATION OF INTERIM ORDER ON IA 113724/2021

IA No. 113724/2021 - APPLICATION FOR VACATION OF INTERIM ORDER

IA No. 105701/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 13489/2020 (XI-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 116033/2020

IA No. 116033/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 19-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. V. Giri, Sr. Adv.
Mr. Jayanth Muth Raj, Sr. Adv.
Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

For Respondent(s) Mr. P. K. Manohar, AOR

Mr. V. Chitambaresh, Sr. Adv.
Mr. A. Karthik, AOR
Mr. Vishnu Pazhanganat, Adv.
Ms. Smrithi Suresh, Adv.
Mr. Sugam Agrawal, Adv.

Mr. Ujjwal Sharma, Adv.
Mr. C. Govind Venugopal, Adv.

Mr. Romy Chacko, Sr. Adv.
Mr. Sachin Singh Dalal, Adv.

Mr. Atul Shankar Vinod, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are dismissed in terms of the signed order.

As a result, all the pending interlocutory applications,
including the application for intervention, stand disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(ANU BHALLA)
COURT MASTER

(Signed order is placed on the file)