IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

WP(C) NO. 31354 OF 2017

PETITIONER:

**THE TRUSTEE OF PALIAM GROUP DEVASWOM TRUST,
MULLURKARA VILLAGE, THALAPPILLY TALUK,
THRISSUR DISTRICT, REPRESENTED BY ITS MANAGER
SRI.KRISHNABALAN PALIATH, AGED 73 YEARS,
S/O. PALIATH RATNAMMU KUNJAMMA,
RESIDING AT KAVIKKAL, PALAPARAMB ROAD,
ELAMAKKARA, KOCHI - 682 026.**

**BY ADVS.
SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

RESPONDENTS:

1 **THE PRINCIPAL SECRETARY,
REVENUE DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM - 695 501.**

2 **DEPUTY SECRETARY,
REVENUE DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM - 695 501.**

3 GOVERNMENT OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM - 695 501.

BY SPL.GOVERNMENT PLEADER SRI.H.HANILKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26.03.2025, ALONG WITH WP(C).12691/2018, THE COURT ON 11.04.2025 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

WP(C) NO. 12691 OF 2018

PETITIONER:

COCHIN TIRUMALA DEVAWOM
GOSREEPUAM
KOCHI 682 002 REP BY ITS PRESIDENT
S.DEVANANDA KAMATH

BY ADV SRI.S.R.DAYANANDA PRABHU

RESPONDENTS:

1 **STATE OF KERALA,**
REPRESENTED BY SECRETARY TO GOVERNMENT,
REVENUE (R) DEPARTMENT, SECRETARIAT,
TRIVANDRUM 695 001.

2 **THE DEPUTY SECRETARY,**
REVENUE DEPARTMENT, GOVERNMENT OF KERALA,
TRIVANDRUM-695001.

BY SPL.GOVERNMENT PLEADER SRI.H.HANILKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26.03.2025, ALONG WITH WP(C).31354/2017, THE COURT ON 11.04.2025 DELIVERED THE FOLLOWING:

J U D G M E N T

Muralee Krishna, J.

The short question to be decided in these writ petitions is as to whether the enhancement of 25% of annuity as provided under Section 67A of the Kerala Land Reforms Act 1963 ('the Act' in short), after the expiration of every 5 years, is on the revised annuity determined under Section 66 of the Act with effect from the date of commencement of the Kerala Land Reforms (Third Amendment) Act, 2005, i.e., on 10.02.2006 or on the enhanced annuity fixed after the expiration of every 5 years?

2. The petitioner in W.P.(C)No.31354 of 2017 is a Trust formed for the management and administration of 41 temples under the Paliam Group Devawom. According to the petitioner, by the introduction of Kerala Land Reforms Act, 1963, 2304 acres of land were taken over by the Government and an amount of Rs.32,322/- was fixed as annuity in perpetuity in favour of the petitioner. After the incorporation of Section 67A in the Act, the annuity was refixed as Rs.96,966/- by Ext.P1 order dated 19.11.2010. By Ext.P2 order dated 31.10.2012, the annuity was

enhanced to Rs.1,21,207.50/-, which was arrived by adding 25% of Rs.96,966/-. Thereafter, in the year 2016, the petitioner submitted Ext.P3 application dated 04.01.2017 for revising the annuity. But, by Ext.P4 order dated 01.06.2017 the annuity payable to the petitioner was computed as Rs.1,45,449/- by adding 25% of Rs.96,966/- with Rs.1,21,207.50/-. Claiming that the 25% of enhancement ought to have been calculated on Rs.1,21,207.50/-, the petitioner filed the writ petition under Article 226 of the Constitution of India seeking a writ of certiorari to quash Ext.P4 order dated 01.06.2017; a writ of mandamus commanding the respondents to calculate and revise the annuity payable in perpetuity to the petitioner by enhancing the revised annuity amount fixed vide; Ext.P2 order by adding 25% of the so revised annuity amount and to pay such enhanced amount to the petitioner; and to declare that the proper interpretation of second part of Section 67A is to compute the annuity amount after completion of every 5 years by adding 25% of the annuity so revised earlier with the earlier revised annuity amount and direct the respondents to continue to pay annuity accordingly.

3. The respondents filed a counter affidavit dated 22.12.2017 in W.P.(C)No.31354 of 2017 taking a stand that the enhancement of 25% after the first enhancement has to be calculated on the first revised annuity amount and not on the subsequent enhanced amount.

4. In W.P.(C)No.12691 of 2018, the petitioner is a religious institution of a public nature belonging to the Gowda Saraswatha Brahmin community. It has a scheme for management framed by the erstwhile Government of Cochin as per its order dated 30.06.1949. According to the petitioner in this writ petition, 4952.95 acres of land were taken over by the Government and an amount of Rs.62,745/- was fixed as annuity in perpetuity by Ext.P1 order dated 29.07.1997. The revised annuity was initially fixed as provided under Section 67A of the Act at Rs.1,88,235/-. By Ext.P4 order dated 28.01.2014, the enhanced annuity for the period 2011 - 15 was fixed as Rs.2,35,293.75 by adding 25% on Rs.1,88,235/-. Thereafter, the petitioner submitted Ext.P5 application dated 08.02.2016 for further enhancement of 25% on annuity. By Ext.P6 order dated 05.03.2018, the enhancement was given by adding 25% over

Rs.1,88,235/-. Contending that the 25% enhancement ought to have been calculated on the enhanced sum of Rs.2,35,293.75/-, the petitioner filed the writ petition under Article 226 of the Constitution of India seeking the very same reliefs as that claimed in W.P.(C)No.31354 of 2017. In this writ petition also the 1st respondent filed a counter affidavit dated 24.09.2019 raising the very same contentions as that taken in the other writ petition.

5. Heard the counsel appearing on both sides.

6. We have carefully gone through Section 67A of the Act which was inserted by Act 1 of 2006 and came into force with effect from 10.02.2006. The said Section reads thus:

> "67A Revision of Annuity- the government shall, in consultation with the Land Board and in the manner as may be prescribed, revise the annuity determined under section 66, with effect from the date of commencement of the Kerala Land Reforms (Third Amendment) Act, 2005 to thrice the amount and thereafter at the expiration of every five years enhance the annuity as so revised by twenty-five per cent." (underline supplied)

7. On going through Section 67A of the act, it can be seen that the said Section has two parts. The first part deals with revision of annuity determined under Section 66 of the Act with

effect from the date of commencement of the Act to thrice the amount that existed. The second part deals with the enhancement of the annuity so revised by 25% on expiration of every 5 years. The reading of these two parts of the Section separately makes it clear that the 1st revision of annuity shall be thrice the amount existed and the subsequent enhancement by 25% on the expiry of every 5 years shall be on the 1st revised annuity (thrice the amount existed) and not on the subsequently enhanced amount.

8. During the course of arguments, the learned counsel for the petitioners drew our attention to Section 6A of Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971, which is a similar Section as that of Section 67A of the Act, with respect to the annuity payable to Sree Padmanabha Swamy Temple and also to the financial memorandum annexed to the bill brought to amend that Act. Section 6A of Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971 is a replica of Section 67A of the Act. In the financial memorandum annexed to the bill brought to insert Section 6A to that Act, it is stated that

> "The annuity payable to Sree Padmanabha Swamy Temple as per sub-section (1) of section 6 of the Sree Pandaravaka

> Lands (Vesting and Enfranchisement) Act, 1971 is Rs. 58,500. This amount is being paid to the temple every year as provided in sub-section (2) of section 6 of the Act. If the amendment proposed is brought into force, the commitment would be Rs. 1,75,500 (Rupees one lakh seventy five thousand and five hundred only) per year for the first five years and thereafter there will be an enhancement of Rs. 43,875 (Rupees forty three thousand eight hundred and seventy five only) for every five years, being twenty five per cent of the revised amount. Since the annuity is to be revised after every five years by twenty five per cent of the revised amount, the financial commitment would increase in the long run. The financial commitment for the first ten years is worked out as Rs. 19,74,375 (Rupees nineteen lakhs seventy four thousand three hundred and seventy five only) and the additional or extra commitment would be Rs.13,89,375 (Rupees thirteen lakhs eighty nine thousand three hundred and seventy five only) by implementation of this amendment."

9. A reading of said financial memorandum also makes it clear that the 25% enhancement stipulated therein is over the first revised annuity and not on the enhanced annuity amount on the expiry of every five years.

10. Having considered the pleadings and materials on record and the submissions made at the bar, we find no illegality in the impugned orders passed by the Government. In such

circumstances, the petitioners have not made out sufficient ground to allow the writ petitions.

In the result, the writ petitions stand dismissed.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE

DSV/-

APPENDIX OF WP(C) 12691/2018

PETITIONER'S EXHIBITS

EXHIBIT P1	**TRUE COPY OF GOVERNMENT ORDER GO(MS) NO 590/97/RD DT 29.7.1997.**
EXHIBIT P2	**TRUE COPY OF INTERIM ORDER DT 11.12.2008 IN WPC NO 34657/2007 OF THIS HON'BLE COURT.**
EXHIBIT P3	**TRUE COPY OF KERALA LAND REFORMS (TENANCY) AMENDMENT RULES 2009 PUBLISHED AS S.R.O NO 29/2009 DT 6.1.2009.**
EXHIBIT P4	**TRUE COPY OF ORDER DT 28.1.14 PASSED BY 2ND RESPONDENT GRANTING REVISED ANNUITY @ RS 2,82,353,50 FROM 2016.**
EXHIBIT P5	**TRUE COPY OF APPLICATION DATED 8.2.2016 SUBMITTED BY PETITIONER.**
EXHIBIT P6	**TRUE COPY OF ORDER DT 5.3.2018 PASSED BY 2ND RESPONDENT HEREIN GRANTING REVISED ANNUITY.**
Exhibit P7	**COMPUTATION WITH CERTIFICATE ISSUED BY CHARTERED ACCOUNTANT- SRI. AVINASH VARMA M**

APPENDIX OF WP(C) 31354/2017

PETITIONER'S EXHIBITS

EXHIBIT P1.	**TRUE COPY OF THE G.O.MS.NO.465/2010/REV DATED 19/11/2010.**
EXHIBIT P2.	**TRUE COPY OF THE G.O.MS.NO.410/12/REVENUE DATED 31/10/2012.**
EXHIBIT P3.	**TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER IN FORM 27(B) DATED 4-1-2017.**
EXHIBIT P4.	**TRUE COPY OF THE G.O.MS.NO.171/2017/REVENUE DATED 1/6/2017.**
EXHIBIT P5.	**TRUE COPY OF THE NOTING/REMARKS OF FILE NO.REV-R3/5/2017-REV (E-FILE) ISSUED TO THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT 2005 DATED 7-7-2017.**