



2025:KER:22187

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

TUESDAY, THE 11<sup>TH</sup> DAY OF MARCH 2025 / 20TH PHALGUNA, 1946

WP(C) NO. 41701 OF 2024

PETITIONER/S:

PAUL NELLISSERY,  
AGED 67 YEARS  
S/O DEVASSY, NELLISSERY HOUSE, PULLAZHY P.O.,  
THRISSUR, PIN - 680012

BY ADVS.  
BINOY VASUDEVAN  
SREEJITH SREENATH  
RINCY KHADER  
K.V.RAJESWARI  
SUSHAMA DEVI M.

RESPONDENT/S:

- 1 THE TAHSILDAR (LAND RECORDS) ,  
TALUK OFFICE, PALACE ROAD, THRISSUR, PIN - 680020
- 2 THE VILLAGE OFFICER,  
OLLUR VILLAGE, OLLUR (PO) , THRISSUR DISTRICT, PIN -  
680306

Parvathy.K, G.P

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 11.03.2025, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



## **JUDGMENT**

The petitioner is the absolute owner in possession of property having an extent of 1 hectare, 7 Ares, 92 Sq. Meters comprised in Re.Sy No.152/29-3 (Old Sy.Nos.781/pt, 772/pt, 776/pt, 775/pd and 780/pt) of Ollur Village in Thrissur Taluk. The predecessor-in-interest of the petitioner had already obtained permission to utilize the property, which is described as 'Paddy Land' in the revenue records, for non-agricultural purposes as per Ext.P10 to P14 orders under the provisions of Clause 6 of the Kerala Land Utilization Order, prior to the enactment of the Kerala Conservation of Paddy Land and Wetland Act. On the basis of the same, Ext.P16 Form A application was submitted under Section 6 A of the Kerala Land Tax Act, for reassessment of tax.

2. As there was delay in consideration of the same, the petitioner approached this Court by filing W.P.(C) No.28014/2024 which culminated in Ext.P17 order. In Ext.P17, a direction was issued by this Court to the Tahasildar (Land



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Records), to consider the application submitted by the petitioner in Form A, after ensuring the genuineness of Ext.P10 to P13 (Ext.P3 to P3(c) referred to in the said judgment) after ascertaining the identity of the property and pass appropriate orders on the same strictly in terms of the Act within three months from the date of receipt of a copy of the said judgment. However, despite the said direction, Ext.P19 order was passed by stating that, in the meantime, as per Ext.P18 order passed by this court, the question as to whether a person who obtained orders under Clause 6 of Kerala Land Utilization order has to undergo the conditions imposed in Section 27 A, was referred to a Full Bench. Therefore, according to the 1<sup>st</sup> respondent, a decision cannot be taken, on the Form A application and thus Ext.P19 order was passed. This writ petition is submitted by the petitioner in such circumstances challenging Ext.P19.

3. Heard, the learned counsel for the petitioner and the learned Government Pleader for the respondents.



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4. In the decision rendered by the Honourable Supreme Court in **The Tahasildar v. Renjith George** [2025 (1) KHC 271], the Honourable Supreme Court categorically observed that, the parties who have submitted applications under Clause 6 of the KLU order, prior to the enactment of the amendment Act 2018 to the Kerala Conservation of Paddy Land Wetland Act, 2008, are not liable to comply with the conditions imposed under Section 27 A of the Act. The said aspect was clarified by the Full bench of this Court in **Mukthar Ali v. State of Kerala** [2024 KHC 1570] as well. Now in the light of the legal proposition laid down by the Honourable Supreme Court in the above referred decisions, the stand taken by the 1<sup>st</sup> respondent in Ext.P19 is not legally sustainable.

5. Thus, it is evident that, since the petitioner had obtained orders under Clause 6 of the KLU order prior to the introduction of Section 27A of the Kerala Conservation of Paddy Land and Wetland Act, the conditions imposed as per the said provision cannot be made applicable to the petitioner.



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Therefore, the only consequence of the same is that, the Form A application submitted by the petitioner has to be considered without insisting for the compliance of the conditions imposed under Section 27A of the Kerala Conservation of Paddy Land and Wetland Act.

Therefore, the directions issued by this Court in Ext.P17 has to be implemented by the 1<sup>st</sup> respondent, who is the competent authority. Accordingly, this writ petition is disposed of, quashing Ext.P19, with a direction to the 1<sup>st</sup> respondent to consider the application submitted by the petitioner in Form A as directed in Ext.P17 judgment. The same shall be done within a period of two months from the date of receipt of a copy of this judgment.

Sd/-

**ZIYAD RAHMAN A.A.**  
**JUDGE**

rpk



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APPENDIX OF WP(C) 41701/2024

PETITIONER EXHIBITS

|              |                                                                                              |
|--------------|----------------------------------------------------------------------------------------------|
| Exhibit P-1  | TRUE COPY OF THE DOCUMENT NO.3999 OF<br>1996 DATED 21.08.1996 OF S.R.O<br>KUTTANELLOR        |
| Exhibit P-2  | TRUE COPY OF THE DOCUMENT NO.4425 OF<br>1997 DATED 20.10.1997 OF S.R.O<br>KUTTANELLOR        |
| Exhibit P-3  | TRUE COPY OF THE DOCUMENT NO.3519 OF<br>2000 DATED 18.07.2000 OF S.R.O<br>KUTTANELLOR        |
| Exhibit P-4  | TRUE COPY OF THE DOCUMENT NO.4463 OF<br>1997 DATED 20.10.1997 OF S.R.O<br>KUTTANELLOR        |
| Exhibit P-5  | TRUE COPY OF THE DOCUMENT NO.4507 OF<br>1997 DATED 16.10.1997 OF S.R.O<br>KUTTANELLOR        |
| Exhibit P-6  | TRUE COPY OF THE DOCUMENT NO.3019 OF<br>1997 DATED 10.07.1997 OF S.R.O<br>KUTTANELLOR        |
| Exhibit P-7  | TRUE COPY OF THE DOCUMENT NO.5832 OF<br>1996 DATED 16.12.1996 OF S.R.O<br>KUTTANELLOR        |
| Exhibit P-8  | TRUE COPY OF THE DOCUMENT NO.5041 OF<br>1997 DATED 10.07.1997 OF S.R.O<br>KUTTANELLOR        |
| Exhibit P-9  | . TRUE COPY OF THE COMPOSITE TAX<br>RECEIPT DATED 22.04.2024 ISSUED BY<br>THE 2ND RESPONDENT |
| Exhibit P-10 | TRUE COPY OF ORDER NO.K.DIS-                                                                 |



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10135/95/D1 DATED 13.10.1995 ALONG  
WITH ITS TYPED COPY

- Exhibit P-11** TRUE COPY OF ORDER NO.K.DIS-  
10137/95/D1 DATED 13.10.1995 ALONG  
WITH ITS TYPED COPY
- Exhibit P-12** TRUE COPY OF ORDER NO. SR.133/96/D1  
DATED 12.04.1996 ALONG WITH ITS  
TYPED COPY
- Exhibit P-13** TRUE COPY OF ORDER NO.  
K.DIS.SR.134/96/D1 DATED 12.04.1996  
ALONG WITH ITS TYPED COPY
- Exhibit P-14** TRUE COPY OF ORDER NO. SR.132/96/D1  
DATED 12.04.1996 ALONG WITH ITS  
TYPED COPY
- Exhibit P-15** TRUE COPY OF THE REQUEST DATED  
08.07.2024
- Exhibit P-16** TRUE COPY OF THE FORM A APPLICATION  
DATED 08.07.2024
- Exhibit P-17** TRUE COPY OF THE JUDGMENT IN W.P.(C)  
NO.28014 OF 2024 DATED 11-09-2024
- Exhibit P-18** TRUE COPY OF THE ORDER OF REFERENCE  
DATED 12-09-2024 IN W.A.NO.1061 OF  
2023
- Exhibit P-19** TRUE COPY OF ORDER NO.B10/3958/2024  
DATED 05-11-2024 ISSUED BY THE 1ST  
RESPONDENT