

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MRS. JUSTICE M.B. SNEHALATHA

FRIDAY, THE 30TH DAY OF JANUARY 2026 / 10TH MAGHA, 1947

WA NO. 58 OF 2026

AGAINST THE JUDGMENT DATED 09.10.2025 IN WP(C) NO.24043 OF
2024 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 1 TO 4 IN WPC:

- 1 THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION, MALAPPURAM DISTRICT, PIN -
676505
- 2 THE REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICE, TIRUR,
MALAPPURAM DISTRICT, PIN - 676505
- 3 THE AGRICULTURAL OFFICER,
KRISHI BHAVAN, VATTAMKULAM, MALAPPURAM DISTRICT, PIN -
679578
- 4 THE VILLAGE OFFICER,
VATTAMKULAM VILLAGE OFFICE, PALAKKAD - PONNANI ROAD,
VATTAMKULAM, MALAPPURAM DISTRICT, PIN - 679578

SRI.B.S.SYAMANTHAK - GP

RESPONDENT/PETITIONER IN WPC:

SUJAYA A B,
W/O. KISHOR T.J., THALEKKARA HOUSE, P.O. VATTAMKULAM,
PONNANI TALUK, MALAPPURAM DISTRICT, PIN - 679578

SRI N M MADHU

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 30.01.2026,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



"CR"

JUDGMENT**Devan Ramachandran, J.**

The appellants are before us, being aggrieved by the judgment of the learned Single Judge in W.P.(C) No.24043/2024, but only to the extent to which it imposed costs on the person who occupied the post of Revenue Divisional Officer (RDO), Malappuram, at the time when Ext.P6 order was issued.

2. The reason why the learned Single Judge imposed costs is evident from the judgment itself; and we extract paragraph No.7 thereof, which speaks eloquently, below:

"It is on record that the petitioner's husband's property is not included in the data bank. The 2nd respondent had rejected the Form 6 application on 11.01.2023 by Ext.P3 order, on the sole ground that the petitioner's husband's property is included in the data bank. Eventhough Ext.P3 order was set aside by the 1st respondent, by Ext.P5 order, directing the 2nd respondent to reconsider the application afresh, after going through the data bank, he has perfunctorily passed Ext.P6 order on the ground that the petitioner's husband's property is included in the data bank. I find the course adopted by the authorised officer to be manifestly perverse, and ex-facie illegal. When the appellate authority had in unambiguous terms directed the authorised officer to reconsider the application, it was his bounden duty to have verified the notified data bank and ascertained whether the applied property is included in the data bank. Ext.P8 report, Ext.P7 notified data bank and the affidavit



of the 4th respondent establish in unequivocal terms that the property is not included in the data bank. It is without looking into the records that the authorised officer has summarily rejected the application, driving the petitioner to this Court due to sheer recalcitrance of the authorised officer.”

3. It is conceded by the learned Government Pleader – Sri.B.S.Syamanthak that, at the time when Ext.P6 was issued, the property of the husband of the respondent/writ petitioner had been excluded from the statutory Data Bank, prepared under the provisions of the Kerala Conservation of Paddy Land and Wetland Act, 2008; but, nevertheless, argued that the said order is not a final one, but was only a communication to the writ petitioner informing her that her application cannot be considered. He argued that, since Ext.P6 is not an order, but only a communication, the mulcting of costs on the second appellant - RDO is unfair.

4. Sri.N.M.Madhu – appearing for the respondent/writ petitioner, argued that this appeal is an abuse of process and not maintainable at the hands of the appellants, since the impugned direction is solely against the person who held the office of the RDO, Tirur, at the time when Ext.P6 was issued. He then



vehemently asserted that, in any event, the learned Single Judge was fully justified in imposing costs because Ext.P6 is an order repelling the application of his client, finally asking her to make a fresh application in Form 5.

5. There is substantial force in the afore submissions of Sri.N.M.Madhu because, we are also without doubt that, when Ext.P6 —whatever be the name that the appellants may choose to call it —informed the writ petitioner that her application —which had been directed by the statutory Appellate Authority to be considered by the second respondent —had been rejected for the reason that the property was included in the Data Bank, while it was not, the said respondent acted callously and without necessary care.

6. Without doubt, the learned Single Judge has not mulcted any liability on the RDO, Tirur, but on the person who occupied that office at the time when Ext.P6 order was issued. From that perspective, we are also of the firm view that this appeal was not necessary to have been filed by the appellants in their official capacity.

7. That said, this case limpidly reflects the manner in



which some officers act in apparent disregard to the statutory and constitutional rights of the citizens of this nation. The insensitivity and lackadaisical attitude a few of them exhibit in discharge of their public duties and statutory obligations erode the entire system of its integrity and bring the system to disrepute. We have no doubt that this is precisely what persuaded the learned Single Judge to impose costs as an imperative for deterrence.

8. While we are in full affirmation with what the learned Single Judge has ordered, we are of the view that it would only lend to curial magnanimity to show lenitude and spare the officer of a pecuniary impost; also since he has not been arrayed in this case, nor his version called for; though the orders reflect absence of requisite care limpidly. However, his actions certainly are unbecoming of the office he was occupying; and we are of the view that, instead of the costs imposed, it would suffice that we record disapproval strongly and in the most definite voice, which we do hereby.

9. In summation, while we fully approve the mentation and holdings of the learned Single Judge, we vacate the order in



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the impugned judgment that the incumbent officer in the post of RDO, Tirur, at the time when Ext.P6 was issued, shall pay Rs.10,000/- as costs from his pocket; however, recording our strongest denunciation for his actions, in having issued such an order without referring to the files or to the germane aspects and inputs.

This appeal is thus ordered.

Sd/- DEVAN RAMACHANDRAN
JUDGE

Sd/- M.B. SNEHALATHA
JUDGE

stu



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APPENDIX OF WA NO. 58 OF 2026

PETITIONER ANNEXURES

Annexure I TRUE COPY OF THE DATA BANK
Annexure II TRUE COPY OF THE REPORT SUBMITTED BY VILLAGE
OFFICER, VATTAMKULAM DATED 06.07..2022