



2025:KER:74726

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

THURSDAY, THE 9<sup>TH</sup> DAY OF OCTOBER 2025 / 17TH ASWINA, 1947WP(C) NO. 24043 OF 2024PETITIONER:

SUJAYA A B,  
AGED 56 YEARS  
W/O. KISHOR T.J., THALEKKARA HOUSE, P.O. VATTAMKULAM,  
PONNANI TALUK, MALAPPURAM DISTRICT, PIN - 679578

BY ADVS. SRI.N.M.MADHU  
SMT.C.S.RAJANI

RESPONDENTS:

- 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

BY SMT.VIDYA KURIAKOSE, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
09.10.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



## **JUDGMENT**

**Dated this the 09<sup>th</sup> day of October, 2025**

The petitioner's husband is the owner in possession of 6.07 Ares of land comprised in Survey No.87/1 in Vattamkulam Village, Ponnani Taluk, covered under Exts.P1 and P1(a) sale deeds. The property is a converted land decades back. The petitioner and her husband have constructed a residential building in the property. To change the nature of the property in the revenue records, the petitioner's husband had filed an application in Form 6 under Section 27 A read with Rule 12(1) of the Kerala Conservation of Paddy Land and Wetland Act, 2008, and the Rules framed thereunder ('Act' and 'Rules', for brevity). However, by Ext.P3 order, the 2<sup>nd</sup> respondent rejected the application. Aggrieved by Ext.P3 order, the petitioner's husband had preferred an appeal before the 1<sup>st</sup> respondent. As there was an inordinate delay in considering the application, the petitioner's husband filed W.P(C) No. 36392/2023 before this



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Court, which was allowed by directing the 1<sup>st</sup> respondent to consider the appeal expeditiously. Subsequently, the 1<sup>st</sup> respondent passed Ext.P5 order remitting the application back to the 2<sup>nd</sup> respondent to reconsider the application. Shockingly, the 2<sup>nd</sup> respondent again rejected the application on the ground that the petitioner's property is included in the data bank. Ext.P7 notified data bank explicitly proves that the petitioner's husband's property is not included in the data bank. Ext.P6 order passed by the 2<sup>nd</sup> respondent is illegal and arbitrary. The petitioner's husband has authorised the petitioner to file this writ petition. Hence, the writ petition.

2. In the statement filed by the 1<sup>st</sup> respondent, it is stated that, the petitioner's husband had filed a Form 6 application, which was forwarded to the Village Officer, Vattamkulam. The Village Officer reported that the property is partially included in the data bank. The Form 6 application can be considered only if the applied land is unnotified. Therefore, the 2<sup>nd</sup> respondent rejected the



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application. In the appeal, the 1<sup>st</sup> respondent remanded the matter to the 2<sup>nd</sup> respondent to re-examine the matter whether the property is included in the data bank or not. Since the petitioner's husband's property is included in the data bank, the application cannot be allowed. Hence, the writ petition may be dismissed.

3. The petitioner has filed a reply affidavit refuting the allegations in the statement filed by the 1<sup>st</sup> respondent. She has specifically averred that as per Ext.P8 report of the Village Officer, the applied property is not included in the data bank. She has also produced Ext.P9 order passed by the authorised officer, permitting the nature of the adjacent property to be changed in the revenue records.

4. When the writ petition came up for consideration on 19.08.2025, this Court directed the jurisdictional Village Officer to file an affidavit specifying whether the petitioner's husband's property is included in the data bank.



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5. Pursuant to the said order, the 4<sup>th</sup> respondent has filed an affidavit stating that the petitioner's husband's property comprised in Survey No.87/1 was excluded from the data bank as per Gazette Notification No.156 (Vol. 12) dated 16.01.2023.

6. Heard; the learned counsel for the petitioner and the learned Senior Government Pleader.

7. It is on record that the petitioner's husband's property is not included in the data bank. The 2<sup>nd</sup> 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 1<sup>st</sup> respondent, by Ext.P5 order, directing the 2<sup>nd</sup> 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



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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 4<sup>th</sup> 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.

In the aforesaid circumstances, I allow the writ petition by quashing Ext.P6 order and directing the 2<sup>nd</sup> respondent to reconsider the Form 6 application filed by the petitioner's husband, in accordance with law and as expeditiously as possible, at any rate, within four weeks from today, in the light of the observations made in this judgment, Ext.P7 notified data bank, Ext.P8 report and Ext.P5 order of the 1<sup>st</sup> respondent. Taking into consideration the fact that



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the petitioner has been made to approach this Court due to the laches and negligence of the authorised officer, I direct the 2<sup>nd</sup> respondent, who was holding the office of the authorised officer, who passed Ext.P6 order, to pay from his pocket the petitioner Rs.10,000/- (Rupees Ten thousand only) as cost. The cost shall be paid directly to the petitioner within one month from today.

The writ petition is ordered accordingly.

Sd/-

**C.S.DIAS, JUDGE**

NAB



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APPENDIX OF WP(C) 24043/2024

## PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF THE SALE DEED NO. 2409/2013/1  
DATED 18.05.2013 OF S.R.O. EDAPPAL

EXHIBIT P1 (a) TRUE COPY OF THE SALE DEED NO. 1753/2004  
DATED 06.05.2004 OF S.R.O. EDAPPAL

EXHIBIT P2 TRUE COPY OF THE AUTHORISATION DATED  
22.06.2024

EXHIBIT P3 TRUE COPY OF THE ORDER DATED 11.01.2023  
ISSUED BY THE SECOND RESPONDENT

EXHIBIT P4 TRUE COPY OF THE APPEAL NO. DCMPM 2763/23  
DATED 25.02.2023 SUBMITTED BY THE  
PETITIONER'S HUSBAND BEFORE THE FIRST  
RESPONDENT

EXHIBIT P5 TRUE COPY OF THE ORDER NO. DCMPM/2763/2023-  
B7 DATED 24.03.2024 PASSED BY THE FIRST  
RESPONDENT

EXHIBIT P6 TRUE COPY OF THE ORDER DATED 12.04.2024  
PASSED BY THE SECOND RESPONDENT

EXHIBIT P7 TRUE COPY OF THE GAZETTE NOTIFICATION  
16.01.2023 SHOWING THE REVISED DATA BANK

EXHIBIT P8 TRUE COPY OF THE REPORT OF THE VILLAGE  
OFFICER, VATTAMKULAM ON 06.07.2022

EXHIBIT P9 TRUE COPY OF THE ORDER DATED 15.09.2023  
ISSUED BY THE SUB COLLECTOR, TIRUR