



2026:KER:61933

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR. JUSTICE BASANT BALAJI

TUESDAY, THE 11TH DAY OF AUGUST 2026 / 20TH SRAVANA, 1948

WA NO. 2369 OF 2025

JUDGMENT DATED 27.08.2025 IN WP(C) NO.38444 OF 2022 OF

HIGH COURT OF KERALA

APPELLANT/PETITIONER:

LULU HYPER MARKET PVT.LTD.,
ROOM NO 5. DOOR NO. 34/1000, EDAPPALLY PO ERNAKULAM
DISTRICT, KERALA, PIN- 682024, REPRESENTED BY ITS
AUTHORIZED SIGNATORY SHRI SADIK KASSIM, AGED 43
YEARS. S/O KASSIM M A, RESIDING AT. AL SAFA, SAFA
NAGAR, NADAKKAL P.O., ERATTUPETTA VILLAGE,
KOTTAYAM, KERALA.

BY ADVS.
SRI.E.V.BABYCHAN
SRI.S.SREEKUMAR (SR.)

RESPONDENT/RESPONDENT 1 TO 5:

- 1 THE DISTRICT COLLECTOR,
THRISSUR DISTRICT CIVIL STATION, AYYANTHOLE P.O
THRISSUR DISTRICT - 680003.
- 2 REVENUE DIVISIONAL OFFICER/SUB COLLECTOR,
REVENUE DIVISIONAL OFFICE, AYYANTHOLE P.O THRISSUR



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DISTRICT - 680003 .

- 3 TAHSILDAR (LR) ,
 THRISSUR TALUK, CHEMBUKAVU, NEAR TOWN HALL,
 THRISSUR DISTRICT, PIN - 680020.
- 4 THE VILLAGE OFFICER,
 AYYANTHOLE VILLAGE, THRISSUR TALUK AYYANTHOLE P.O.
 THRISSUR DISTRICT, 680003.
- 5 T.N.MUKUNDAN,
 52 YEARS, S/O. NARAYANAN, THADATHIL HOUSE,
 VELUPPADAM P.O., THRISSUR DISTRICT PIN - 680303

BY ADVS.

SHRI.S.KANNAN, SENIOR G.P.

SRI.ANOOP V. NAIR, STATE ATTORNEY

SRI.RENJITH THAMPAN, SR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
11.08.2026, ALONG WITH WA.2294/2025, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR. JUSTICE BASANT BALAJI

TUESDAY, THE 11TH DAY OF AUGUST 2026 / 20TH SRAVANA, 1948

WA NO. 2294 OF 2025

JUDGMENT DATED 27.08.2025 IN WP(C) NO.1045 OF 2023 OF

HIGH COURT OF KERALA

APPELLANT/5TH RESPONDENT:

LULU HYPER MARKET PVT.LTD
ROOM NO 5. DOOR NO. 34/1000. EDAPPALLY PO ERNAKULAM
REPRESENTED BY ITS DIRECTOR, PIN - 682024

BY ADVS.
SRI.E.V.BABYCHAN
SRI.S.SREEKUMAR (SR.)
SRI.S.SREEKUMAR

RESPONDENT/RESPONDENTS 1 TO 4 & 6/PETITIONER:

- 1 THE DISTRICT COLLECTOR
THRISSUR DISTRICT, CIVIL STATION, AYYANTHOLE P.O
THRISSUR DISTRICT, PIN - 680003
- 2 REVENUE DIVISIONAL OFFICER/SUB COLLECTOR
REVENUE DIVISIONAL OFFICER/SUB COLLECTOR REVENUE
DIVISIONAL OFFICE, AYYANTHOLE P.O THRISSUR
DISTRICT, PIN - 680003
- 3 THE VILLAGE OFFICER



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AYYANTHOLE VILLAGE, AYYANTHOLE P.O. THRISSUR
DISTRICT, 680003

- 4 LOCAL LEVEL MONITORING COMMITTEE, AYYANTHOLE
REPRESENTED BY ITS CONVENOR, AGRICULTURAL OFFICER,
AYYANTHOLE KRISHI BHAVAN, AYYANTHOLE, THRISSUR.,
PIN - 680003
- 5 KERALA STATE REMOTE SENSING AND ENVIRONMENT CENTRE
1ST FLOOR, VIKAS BHAVAN, NEAR LEGISLATIVE ASSEMBLY,
UNIVERSITY OF KERALA SENATE HOUSE CAMPUS, PMG,
THIRUVANANTHAPURAM, KERALA REPRESENTED BY ITS
DIRECTOR, PIN - 695033
- 6 T.N.MUKUNDAN
AGED 57 YEARS
S/O NARAYANAN, THADATHIL HOUSE VELUPPADAM.P.O,
THRISSUR DISTRICT., PIN - 680303

BY ADVS.
SHRI.S.VISHNU
SRI.V.M.KRISHNAKUMAR
SRI.M.RAMESH CHANDER (SR.)
SHRI.S.KANNAN, SENIOR G.P.
SRI.RENJITH THAMPAN (SR.)

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
11.08.2026, ALONG WITH WA.2369/2025, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

**JUDGMENT****[WA Nos.2369/2025, 2294/2025]****"C.R"****Devan Ramachandran, J**

We propose to be as brief as possible in what we record in this judgment, for the reason that the issue involved is within a very small compass; and there is substantial consent on most issues between the parties.

2. Though the papers and documents on record are rather prolix, the question is only if the inclusion of the extents of land involved in this case – namely, comprised of in Sy. Nos.403, 405 and 406 of the Ayyanthole Village – are paddy lands; and consequently, if their inclusion in the Data Bank prepared under the provisions of the Kerala Conservation of Paddy Land and Wetland Act, 2008 ('Act' for short), is in error or otherwise.

3. Admittedly, the appellant in these cases – which is a Company registered under the provisions of the Companies Act – sought removal of the extents in question from the Data Bank, by preferring three applications under Form 5 of the Kerala Conservation of Paddy Land and Wetland Rules ('Rules' for short). These applications were allowed by the Revenue Divisional Officer (RDO).

4. After the appellant so obtained orders from the RDO, permitting the lands to be removed from the Data Bank, they applied under Section 27A



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of the "Act" and paid the requisite amounts for authorising its conversion.

This was approved by the competent Authority; and a further order was issued by the RDO.

5. However, it transpires that, while so, the District Collector issued another order under Section 13 of the "Act", directing the appellant to restore the lands to the status of paddy land.

6. The order under Section 27A of the "Act" was challenged by the 6th respondent – who will hereinafter be referred to as the "Objector" – through W.P.(C) No.1045 of 2023, producing it as Ext.P13; while, the appellant filed W.P.(C) No.38444 of 2022 impugning the order issued by the District Collector under Section 13 of the "Act", directing them to restore the land involved in Sy.No.405, to status as paddy land.

7. The learned Single Judge considered both the writ petitions together and disposed them of through the impugned judgment, quashing the orders of the Revenue Divisional Officer (RDO) allowing the Form 5 applications of the appellant; and directing the said Authority to reconsider their said application in terms of the Rule 4(4e) and 4(4f) of the "Rules".

8. The learned Judge also set aside the order of the RDO issued under Section 27A of the "Act" and ordered that the amounts paid by the appellant be returned to them; further directing the District Collector to keep in abeyance his order issued under Section 13 of the "Act", until a decision is taken by the RDO



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on the Form 5 applications as mentioned above.

9. The appellant challenges the judgment through the appeals before us – the first of it, namely, W.A No.2294 of 2025, being targeted against the judgment in W.P.(C) No.1045 of 2023; while the second, W.A No.2369 of 2025, being against the judgment in W.P.(C) No.38444 of 2022.

10. As we have said prefatorily, it would not be necessary for us to state the facts any longer, for certain intervening developments.

11. We considered these appeals and had heard the learned Senior Counsel and counsel for the parties in great detail on 07.07.2026; and with their consent, passed the following order on that day:

“We have heard these appeals in extenso today.

2. Sri.S.Sreekumar, learned Senior Counsel instructed by Sri.E.V.Babychan – learned counsel appearing for the appellants; Sri.Ramesh Chander – learned Senior Counsel appearing for the Kerala State Remote Sensing and Environment Centre (KSRSEC); Sri.Ranjith Thampan, instructed by Sri.Krishnakumar appearing for the writ petitioners and Sri.Anoop V. Nair – learned State Attorney made elaborate arguments edified on their respective positions of their clients.

3. We do not propose to speak on the merits finally at this stage, because, we see that the learned Single Judge has, in fact, directed the Revenue Divisional Officer (RDO) to obtain a fresh report of the plots involved in this case from the KSRSEC, which shall be personally supervised in its preparation by its Director.

4. The impugned judgment has set aside the orders assailed therein; but we are of the view that it will be a better course that the Director of the KSRSEC be ordered to prepare and produce the report as directed by the learned Single Judge before this Court, so that we will have control over the same to the extent possible. Of course, this is not to say that we will take a final decision, if we are to find that the matter requires to be relegated to the RDO, or such other Authorities; but solely that there



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would be the benefit of a proper report sans confusion.

5. The learned Senior Counsel and the Counsel for the parties agreed to this course.

In such circumstances:

(a) The interim order earlier granted will continue until further orders.

(b) The Director the KSRSEC, namely the 5th respondent in W.A No.2294 of 2025, will prepare a report of the specific plots involved in this case – and not a composite one relating to other properties within the Survey Numbers – employing the FMB/sketches/maps. Since Sri.Ramesh Chander, learned Senior Counsel submits that this exercise will take a minimum of 15 days, we order that these matters be listed on 23.07.2026.

6. We clarify that when the reports as afore are prepared, it shall be personally supervised and controlled by the Director of the KSRSEC; and that the proper and latest entries in the FMB shall be obtained - if it is not already available with him. We record the submissions of Sri.Ramesh Chander – learned Senior Counsel that the FMB with respect to the plots are already available and that the reports will be prepared based on the same alone.

7. We further clarify that the Director shall advert to every image possible, whatever may the years involved to verify the land as on 01.08.2008 as is statutorily necessary.

Needless to say, the reports shall carry, as appendixes, every satellite image (soft copies also), as also the FMB sketch relied upon by the Director for our consideration and valuation.”

12. The report from the Kerala State Remote Sensing and Environment Centre (KSRSEC) has been placed on record; and we heard the learned Senior Counsel and counsel on it on 10.08.2026.

13. Sri.Ranjath Thampan, learned Senior Counsel, instructed by Sri.Krishnakumar - appearing for the “Objector”, submitted that, though his client is not opposing the pictures and the satellite imagery relied up on by the KSRSEC, its opinion cannot be treated to be conclusive. He pointed out that,



even going by the reports, the limitations are mentioned therein; and hence that the learned Single Judge cannot be held to be in error to have directed the RDO to act as per Rule 4 of the "Rules", particularly Sub Rule (4e) and (4f) thereof. He contended that, had the RDO followed the statutory procedure correctly, he would have been benefited by a report from the Agricultural Officer, as necessary under Sub Rule 4(4e); to then proceed to decide the application of the appellant as per Sub Rule 4(4f). He prayed that the RDO be allowed to reconsider the Form 5 applications of the appellant as per the afore statutory provisions; and pleaded that his client be given full liberty to press all their contentions before the said Authority, including that the land had been used for cultivation of paddy even recently, which is borne by the extracts of "Paddy Subsidy Registers" produced by them.

14. Sri.S.Sreekumar, learned Senior Counsel, instructed by Sri.E.V.Babychan – learned counsel for the appellant, in response, submitted that his client has no objection in the RDO being directed to reconsider the Form 5 applications; but submitted that since the report of the KSRSEC is before us, it would be open for us to decide the matter finally, since otherwise, the litigation would go on *ad infinitum*. He contended that, since the report of the KSRSEC is clear as to the conversion of the lands prior to the year 2008, a further report from the Agricultural Officer would be unnecessary because, the said office can only report on its present condition; and not if it had been



converted prior to 2018 or otherwise.

15. Sri.Ramesh Chander, learned Senior Counsel, instructed by Sri.Vishnu S – appearing for the KSRSEC, submitted that his client has prepared the reports filed before this Court with respect to each of the extents: namely, 27.71 ares in Sy. No.403; 40.46 ares in Sy. No.405; and 93.28 ares in Sy. No.406, as were directed in the afore extracted interim order. He insisted that the objections of the “objector” – that the KSRSEC has violated copyright, or has unauthorisedly used images from an application called “Google Earth”, to thus violate open source authorisation – are without any basis and that they are holding necessary permissions for all such actions. He insisted that his client is an autonomous body under the Department of Planning and Economic Affairs of the Government of Kerala; and that they make their reports based on all relevant and germane inputs, including satellite images, toposheets and the Survey of India Manual. He concluded asserting that the further objection, that his client did not physically verify the lands, are wholly untenable because, the very concept of “remote sensing” postulates evaluation through satellite imagery and such other scientific methods, without any physical assessment being necessary.

16. It is evident from the afore narrative, that the “objector” does not oppose the images or the inputs relied upon by the KSRSEC; though he asserts that their opinion cannot be construed to be conclusive or final.



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17. We are firm in our mind that it would not be prudent for us to either evaluate the report of the KSRSEC, or to conclude that the report of the Agricultural Officer is not necessary - or to call for it ourselves, for the singular reason that, while this Court evaluates administrative action, it does not assess the decision, but only the process that lead to it.

18. Admittedly, as per the "Rules", particularly 4(4e) and 4(4f) thereof, once an application under Form 5 is preferred by any person/entity, the RDO has to call for a report from the Agricultural Officer; and then, on receiving the same, to proceed to dispose of the said application, after making a personal inspection, or relying upon the report of the KSRSEC, or both.

19. The procedure aforementioned is statutorily ordained and cannot be, in any manner, tinkered by us, for whatever reason that may be projected by the parties. It would be impermissible for this Court to substitute our wisdom for that of the legislative policy; and if we are to do so, it would render the entire process to be vitiated.

20. Obviously, we cannot allow any such.

21. As matters now stand, the report of the KSRSEC is before us; and all the parties agree to the images and inputs mentioned therein. Axiomatically, the RDO ought to be allowed to reconsider the Form 5 applications, as has been directed by the learned Single Judge. To such extent, the impugned judgment finds our favour.



22. To paraphrase, we had called for the report of the KSRSEC before us only because both sides agreed to such course, and since they voiced an apprehension that if we are to leave it to RDO to do so, it might take indefinite amount of time. That apprehension has been fully allayed, with the report being now available.

23. Moreover, the earlier reports of the KSRSEC, obtained by the RDO were opposed to by the "objector"; and even the District Collector noted that there was confusion in its contents. Such objections have now paled into insignificance on account of the latest report placed before us by the KSRSEC in terms of our directions.

24. All which now remains is for the RDO to act correctly, which, we also cannot find to have been done when the application were earlier allowed by it because, this was done without having obtained the report from the Agricultural Officer, as mandated under Rule 4(4e) of the Rules. Prima facie, he leapfrogged into the provisions of 4(4f) of the "Rules"; and then proceeded to allow the application, based on the KSRSEC reports mentioned above.

25. That said, as regards the order of the District Collector under Section 13 of the "Act", we find favour with the submissions of Sri.S.Sreekumar, learned Senior Counsel, because, no such could have been issued at a time when the factual evaluation – if the lands were converted in violation of the "Act" – has not been fully resolved. The disputations between the parties are



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on the singular aspect whether the extents had been converted prior to 2008, or otherwise; and it is only upon determination of the same, that the District Collector would be enabled to proceed further under Section 13 of the "Act", if so found warranted.

26. Running with this, the assertion of the "objector" – that the land had been subjected to paddy cultivation recently; and that the appellant had received paddy subsidy – requires to be factually tested because, it is the contra-assertion of Sri.Sreekumar, learned Senior Counsel for the appellant, that such amounts, if any, relates to other properties in the same Survey Number, but not to the extents in question.

27. Suffice to say, the factual situation qua the extents is still in a state of flux; and requires to be properly settled, before any final and conclusive action can be taken and settled.

28. The surviving issue for our evaluation is if the findings of the learned Single Judge, that the permission granted by the RDO to the extent in Sy.No.405, under Section 27A of the "Act", deserves to be approved or not.

29. It is well settled, without requirement for restatement, that Section 27A of the "Act"; applies to unnotified lands, namely lands which are not included in the Data Bank. In the case at hand, even though the extents were originally not in the draft of the Data Bank, it has been included in its final. It is, therefore, the appellant filed applications under Form 5, to have it



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removed. This has been done under the provisions of Section 5(4) of the "Act"; and it is only if the applications are allowed, can permission under Section 27A thereof be granted. Of course, the facts of this case would show that this is the process followed by the RDO because, it is after he allowed the Form 5 application of the appellant that he permitted the appellant to pay the fees under Section 27A, authorizing its conversion.

30. However, since the orders on Form 5 application of the appellant has now been set aside – and which we approve, the permission under Section 27A also deserves to be set aside and we find the learned Single Judge to have concluded correctly. Of course, whether the appellant would require the amounts deposited by them to be returned at this time or to be retained by the Authority, anticipating a further chance for them to apply under Section 27A of the Act is left to them to decide. Suffice to say, we cannot find the directions of the learned Single Judge to be in error on such grounds.

In such circumstances, we order these appeals in the following manner:-

a) We approve the judgment of the learned Single Judge, to the extent to which it has quashed Exts.P11 to P13 in W.P.(C) No.1045 of 2023.

b) We set aside Ext.P16 order of the District Collector, impugned in W.P.(C) No.38444 of 2022; however clarifying that the said Authority can act in terms of law, subsequent to the other directions that we propose herein.



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c) Consequential to the directions to (a) above, we order the competent Authority – be that the RDO or other authorised Officer, to reconsider Exts.P11 to P13 applications of the appellant, made in Form 5 of the “Rules”, adverting specifically to the KSRSEC report produced before us by the said Authority and implicitly following the provisions of the Rules 4(4e) and 4(4f) of the “Rules”, but without having to call for a report from the KSRSEC on account of the further directions we propose.

d) All contentions of the rival parties, including those which are recorded in this order and which are being adverted to by the learned Single Judge are fully left open to be decided by the competent Authority, in terms of the afore directions, if they are so impelled.

e) In order to enable our directions to be complied with efficaciously, we order the KSRSEC to forward the reports that they have placed on the files of these appeals to the authorised officer forthwith, and not later than two weeks from the date of receipt of a copy of this judgment.

f) The competent Authority/authorised officer shall strictly comply with the time frame as are statutorily fixed and dispose of the Form 5 applications of the appellant without causing any delay. In order to ensure this, we direct that the Agricultural Officer will favour the authorised Officer with the report as required under Rule 4 (4e), not later than within one month from the date when such requisition has been made, and this



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direction shall be treated peremptory in nature.

g) Finally, as directed by the learned Single Judge, the authorised Officer will dispose of the Form 5 applications of the appellant, not later than one month from the date on which the report of the Agricultural Officer under Rule 4(4e) is received.

**Sd/-
DEVAN RAMACHANDRAN
JUDGE**

**Sd/-
BASANT BALAJI
JUDGE**

Sru



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APPENDIX OF WA NO. 2369 OF 2025

PETITIONER ANNEXURES

Annexure A

**THE REPORT OF THE AGRICULTURAL OFFICER
DATED 14-10-2022 OBTAINED UNDER THE
RIGHT TO INFORMATION ACT**



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APPENDIX OF WA NO. 2294 OF 2025

RESPONDENT ANNEXURES

Annexure R6(a)	TRUE COPY OF THE LETTER DATED 13.01.2023 OF THE AGRICULTURAL OFFICER, AYYANTHOLE TO THE REVENUE DIVISIONAL OFFICER, THRISSUR
Annexure R6(b)	TRUE COPY OF THE REPORT OF THE AGRICULTURAL OFFICER DATED 09.11.2022 TO THE DISTRICT COLLECTOR
Annexure R6(c) .	TRUE COPY OF THE INFORMATION RECEIVED FROM THE KSREC DATED 22.02.2023
Annexure R6(d)	TRUE COPY OF REPORT OF THE KSREC DATED 22.02.2021 PRODUCED AS EXT.P9 IN WP(C) .NO.13535/ 2021
Annexure R6(e)	TRUE COPY OF REPORT OF THE KSREC DATED 22.02.2021 PRODUCED AS EXT.P10 IN WP(C) .NO.13535/ 2021
Annexure R6(f)	TRUE COPY OF REPORT OF THE KSREC DATED 22.02.2021 PRODUCED AS EXT.P11 IN WP(C) .NO.13535/ 2021
Annexure R6(g)	TRUE COPY OF THE APPLICATION DATED 24.01.2026 SUBMITTED BY THE PETITIONER BEFORE THE AGRICULTURAL OFFICER
Annexure R6(h)	TRUE COPY OF THE REPLY ISSUED BY THE AGRICULTURAL OFFICER TO EXT.R6(G) DATED 30.01.2026
Annexure R5(1)	Copy of the report prepared pursuant interim order dated 07.07.2026 by the KSREC
Annexure R6(j)	). True copy of the reply dated 30.05.2026 issued by the 5th respondent to Anne.R6(i) letter
Annexure R6(m)	True copy of the complaint dated 17.07.2026 filed by the 6th respondent before the Director 5th respondent, KSREC,
Annexure R6(l)	True copy of space based information support for decentralized planning (SISDP) obtained from the BHUVAN



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satellite imagery

- Annexure R6(k)** True copy of newspaper report published in Hindu daily dated May 13, 2023
- Annexure R6(n)** Photograph taken on drone survey in August 2020 relating to the properties including the present properties in Sy.No.403, 405 and 406 of Ayyanthole village
- Annexure R6(o)** True copy of the statement showing the details of SDR of Rice 2019-20
- Annexure R6(p)** True copy of the close up Google earth pictures of land in Sy.No.405P, 406 and 403 as on November 2006, February 2007, March 2007, December 2010 March 2011, April 2013, December 2014, February 2020 December 2021 (61, 62, 63, 64, 65, 66, 67, 71, 70) in which the petitioner had superimposed the survey boundaries as well as the entries for explaining the situation
- Annexure R6(i)** True copy of the application filed by this respondent before the 5th respondent under Right to Information Act dated 13.02.2026