

**IN THE HIGH COURT OF KERALA AT ERNAKULAM****PRESENT****THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI****&****THE HONOURABLE MR.JUSTICE V.G.ARUN****WEDNESDAY, THE 4TH DAY OF OCTOBER 2023 / 12TH ASWINA, 1945****RP NO. 894 OF 2023****AGAINST THE ORDER/JUDGMENT in WA 983/2023 OF HIGH COURT OF KERALA
RREVIEW PETITIONERS/APPELLANTS 1 TO 3 IN WA:**

- 1 STATE OF KERALA, REPRESENTED BY ITS SECRETARY, REVENUE
REVENUE DIVISION, SECRETARIAT, THIRUVANANTHAPURAM., PIN
- 695001
- 2 THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR, PAINAVU P.O.,
IDUKKI., PIN - 685603
- 3 THE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE, IDUKKI., PIN - 685613

BY ADV GOVERNMENT PLEADER S.SAJITH

RESPONDENT/S:

MOUSHMI ANN JACOB
AGED 47 YEARS
D/O JACOB, KALARIKKAL (H), KAARIKODE KARA, KEERIKODE
VILLAGE. THODUPUZHA, IDUKKI., PIN - 685585
ADV.JOBY JACOB PULICKEUDY

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
30.09.2023, THE COURT ON 4/10/2023 DELIVERED THE FOLLOWING:



A. J. Desai, C.J.

&

V.G. Arun, J.

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R.P.No.894 of 2023

Dated this the 4th day of October 2023

ORDER

V.G.Arun,J

By the judgment sought to be reviewed, the writ appeal filed by the review petitioners was dismissed on finding that the direction in the impugned judgment was issued in terms of the statutory provision and the schedule of fees.

2. Adv.S.Renjith, the learned Special Government Pleader appearing for the review petitioners contended that, while dismissing the writ appeal, this Court failed to consider the spirit of the notification dated 25/2/2021, granting exemption from conversion fees only for lands up to 25 cents in extent. According to the Government Pleader, the intention of issuing the notification is to support the persons intending to construct residential houses or small buildings in their property having an extent of less than 25



cents. It is contended that the above purpose will be defeated if the benefit of exemption is extended to persons owning large extents of land.

3. Advocate Joby Jacob Pulickekudy appearing for the respondent submitted that no ground for review is made out and in as much as the schedule of fees is unambiguously worded, the review petitioners cannot contend that the intention of the notification is something else.

4. The statutory provision under consideration is Section 27A of the Kerala Conservation of Paddy Land & Wetland Act, 2008, which enables the owners of unnotified lands to utilise their land for residential, commercial or other purposes. As per Section 27A(3), once the application for conversion is allowed by the Revenue Divisional Officer, the applicant would be liable to pay fees at the rate prescribed. The prescription comes under Rule 12(9) of the Kerala Conservation of Paddy Land & Wetland Rules 2008, as per which the fee for conversion is to be paid in accordance with the Schedule appended to the Rules. The bone of contention is with respect to the interpretation of the schedule of fees fixed as per the Notification [G.O.(Ord.)No.1166/2021/Rev.Dept.] dated 25/02/2021. Being contextually relevant, a rough translation of the



notification is extracted hereunder;

Schedule
[See Rule 12 (9)]

The Kerala Conservation of Paddy Land and Wetland Rules,2008

Sl.No.	Extent	Amount of fees to be remitted
1.	Upto 25 cents	free
Note: This benefit is available to lands not exceeding 25 cents as on 30 th December 2017		
2.	Above 25 cents and upto 1 Acre	10% of the fair value of the land
3.	Above 1 Acre	20% of the fair value of the land

Note : (1). If the building proposed to be constructed in the land sought to be converted is having plinth area above 3000 Sq.feet, fees at the rate of Rs.100/- per sq. feet, in excess of 3000 Sq.feet, will also have to be remitted.

Note : (2). If the land lying as a single plot upto 30th December 2017 was bifurcated into plots of 25 cents or lesser in extent, such plots will not get the above benefit and fees will be collected treating those plots as a single plot.



5. A reading of the above notification leaves no room for doubt that the fee for conversion of land is payable only for lands in excess of 25 cents. Being so, the contention that, if the land exceeds 25 cents, conversion fees will have to be paid for the entire extent, including the 25 cents, can only be rejected. The learned Single Judge having taken the same view and the writ appeal having been dismissed finding the view taken to be correct, we find no reason to come to a different conclusion by exercising the power to review.

Hence, the review petition is dismissed.

Sd/-

A. J. Desai
Chief Justice

Sd/-

V.G. Arun
Judge

dpk