



2023:KER:44066

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

TUESDAY, THE 1<sup>ST</sup> DAY OF AUGUST 2023 / 10TH SRAVANA, 1945

WA NO. 983 OF 2023

WP(C) 23400/2022 OF HIGH COURT OF KERALA

**APPELLANT/S:**

- 1 THE STATE OF KERALA  
REPRESENTED BY ITS SECRETARY REVENUE DIVISION,  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DISTRICT COLLECTOR  
OFFICE OF THE DISTRICT COLLECTOR, PAINAVU P.O  
IDUKKI DISTRICT -, PIN - 685603
- 3 THE REVENUE DIVISIONAL OFFICER  
REVENUE DIVISIONAL OFFICE, IDUKKI, PIN - 685613  
BY ADVS.  
GOVERNMENT PLEADER  
ADVOCATE GENERAL OFFICE KERALA  
SHRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL()  
SHRI.S.RENJITH, SPL. G.P. TO A.A.G()

**RESPONDENT/S:**

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

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
01.08.2023, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**JUDGMENT**

Dated this the 01<sup>st</sup> day of August, 2023

**V.G.Arun, J.**

The writ appeal is filed by the Government challenging the direction to exclude 25 cents, while computing the fee for changing the nature of the writ petitioner's land.

2. The short facts are as under;

The writ petitioner is the owner of 14.5 Ares of land (36.65 cents). The property is entered as paddy land in the revenue records, although it has been lying as dry land for many decades. Hence, the writ petitioner submitted an application to remove the property from the data bank. Accordingly, the property was removed from the data bank by order dated 30.01.2021. Later, the writ petitioner was served with a notice, requiring him to remit conversion fee of Rs.1,74,814/-, being 10% of the fair value of the



adjacent property. The writ petitioner sought refixation of the fees based on Ext.P6 judgment. The third respondent sent a reply informing that refixation is not possible as the position has been clarified by a subsequent Government Order. Aggrieved, the writ petitioner approached this Court contending that, as per Section 27A of the Kerala Conservation of Paddy Land and Wet Land Act ("the Act") and the Schedule of fee, no fees is payable for conversion up to 25 cents and, for conversion in excess of 25 cents, fee at the rate of 10% is payable only for the property in excess of the 25 cents. Therefore, while computing the fees for property in excess of 25 cents, the authority has to exclude the 25 cents. The argument found favour with the learned Single Judge and hence, the third respondent was directed to calculate the fee payable on the Form 6 application at the rate of 10% of the fair value of the property for the extent of 4.45



Ares of land by which it exceeds 25 cents.

3. We heard learned Special Government Pleader (Revenue) and the learned Counsel for the writ petitioner.

4. Learned Special Government Pleader contended that the objective of Section 27A is to exempt smallholders having property up to 25 cents from the rigor of the Act. Hence, the benefit of that provision cannot be extended to persons like the writ petitioner, seeking conversion of larger extents. The position having been clarified by Government Order dated 25.02.2021, the direction to fix the conversion fee, after exempting 25 cents is liable to be interfered with.

5. Learned Counsel for the writ petitioner submitted that the provision and the notification fixing the fees being unambiguous, the contention that the objective of the provision is something else, cannot be countenanced.



6. Having heard the learned Counsel on either side, we find no reason to interfere with the impugned judgment, as the direction therein is issued in terms of the statutory provision and the schedule of fee. Being so, the contention that the objective of Section 27A is also liable to be rejected.

In the result, the writ appeal is dismissed.

sd/-

**A. J. Desai**  
**Chief Justice**

sd/-

**V. G. Arun**  
**Judge**

Scl/



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**APPENDIX OF WA 983/2023**

PETITIONER ANNEXURES

Annexure I                    A TRUE COPY OF THE NOTIFICATION NO.  
GO (RT) 1166/2021/REV DATED 25.02.2021