

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN
THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH
PHALGUNA, 1945
WP(C) NO. 5279 OF 2024

PETITIONER/S:

ABDUL KADER
AGED 60 YEARS
S/O KUJUPOKERKUTTY AYYARIL NADUVILA VEEDU (H)
AZHIKODE P.O., AZHIKODE VILLAGE, THRISSUR, PIN -
680666
BY ADV RASHEEK AHAMED B.A.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY, REVENUE
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 REVENUE DIVISIONAL OFFICER
IRINGALAKKUDA, REVENUE DIVISIONAL OFFICE,
IRINGALAKKUDAL, THRISSUR DISTRICT, PIN - 680125

OTHER PRESENT:

SR.GP.SMT.K.AMMINIKUTTY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is the owner in possession of land having a total extent of 20 cents. The petitioner had also acquired a total extent of 12.54 ares (38 cents) immovable property comprised of 40 Square Meters in Survey No. 341/7-IT, 6 Ares and 98 Square Meters in Survey No. 342/4-2T, 3 Ares and 24 Square Meters in Survey No. 342/11-IT, 1 Are 52 Square Meters in Survey No.342/12-IT, 40 Square Meters in Survey No.342/13-IT of the Azhikode Village in Kodungallur Taluk in Thrissur District. According to the petitioner, the said properties covered by Exts.P1 and P2 are lying contiguously.

3. Since the properties are unnotified and not included in the Data Bank, the petitioner submitted Form 6 application for change of nature of the land

comprised in Sy. No.342/4-15 covered by Ext.P1 sale deed having an extent of 20 cents. Since the extent of land for which the petitioner submitted Form-6 application is less than 25 cents, according to the petitioner, he is not liable to pay the conversion fee as per Section 27A of the Kerala Conversion of Paddy Land and Wetland Act, 2008 and the schedule of fees fixed thereunder. However, the 2nd respondent as per Ext.P6 demanded an amount of Rs.1,33,485/- towards conversion fees. In Ext.P6, the extent of property has been stated as 8 Ares and 9 Square Meters. Since the property of the petitioner is less than 25 cents, it is contended that the respondents cannot insist for conversion fee in respect of the aforesaid land.

This Court has held that if the holders of land who purchased the land prior to 30.12.2017 by different documents and the extent of land is less

than 25 cents, that land would be qualified for exemption of payment of conversion charges as per Ext.P4 Government Order dated 25.02.2021. Since the extent of land for which Form 6 application has been made by the petitioner is less than 25 cents, the petitioner is entitled for exemption from payment of fees. Accordingly, Ext.P6 to the extent of demanding conversion fee in respect of the property for which Form 6 application has been filed is set aside. The 2nd respondent shall pass further orders on Ext.P5 application in Form 6 in accordance with law within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

Sd/-

**MURALI PURUSHOTHAMAN
JUDGE**

al/- .01.03.2024.

APPENDIX OF WP(C) 5279/2024

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF THE SALE DEED NO.2214/2002 OF THE KODUNGALLUR S.R.O., DATED 19.07.2002
Exhibit P2	A TRUE COPY OF THE RELEASE DEED NO.2076/2016 OF THE KODUNGALLUR S.R.O., DATED 15.7.2016
Exhibit P3	A TRUE COPY OF THE LAND TAX RECEIPT BEARING NO.KL08051003253/2023 DATED 12.06.2023 ISSUED FROM THE AZHIKODE VILLAGE OFFICE
Exhibit P4	A TRUE COPY G.O.(RT) NO.1166/2021/REV DATED 25.02.2021
Exhibit P4(a)	A TRUE COPY SRO 369/2021 DATED 21.4.2021
Exhibit P4(b)	A TRUE COPY THE CIRCULAR DATED 23.07.2021
Exhibit P5	A TRUE COPY OF THE ACKNOWLEDGE RECEIPT BEARING APPLICATION NO. 69/2022/26155 DATED 12.06.2023 ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT
Exhibit P6	A TRUE COPY OF THE ORDER BEARING FILE NO. 4475/2023 DATED 22.07.2023 ISSUED BY THE 2ND RESPONDENT
Exhibit P7	TRUE COPY OF THE JUDGMENT DATED 02.11.2021 OF THE HON'BLE HIGH COURT OF KERALA IN WP(C) NO.20265/2021
Exhibit P8	TRUE COPY OF THE JUDGMENT DATED 27.02.2023 OF THE HON'BLE HIGH COURT OF KERALA IN W.A.NO.352/2023
Exhibit P9	TRUE COPY OF THE JUDGMENT DATED 24.03.2023 OF THE HON'BLE HIGH COURT OF KERALA IN WP (C) NO.38661/2022
Exhibit P10	TRUE COPY OF THE JUDGMENT DATED 01.08.2023 OF THE HON'BLE HIGH COURT OF KERALA IN W.A.NO.983/2023