



2025:KER:83912

WP(C) NO. 984 OF 2025

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"C.R."

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 5TH DAY OF NOVEMBER 2025 /14TH KARTHIKA, 1947

WP(C) NO. 984 OF 2025

PETITIONER/S:

VINUMON.C.,
AGED 45 YEARS
S/O.CHENTHAMARAKSHAN, RAMANCHENNATH HOUSE,
KINASSERY, KANNADI, PALAKKAD, PIN - 678701

BY ADV SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT/S:

- 1 THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR, CIVIL
STATION, PALAKKAD, PIN - 678001
- 2 REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER, CIVIL
STATION, PALAKKAD, PIN - 678001
- 3 THE PRINCIPAL AGRICULTURAL OFFICER,
OFFICE OF THE PRINCIPAL AGRICULTURAL
OFFICER, CIVIL STATION, PALAKKAD, PIN - 678001
- 4 THE VILLAGE OFFICER,
KANNADI-II VILLAGE, KANNADI.P.O, PALAKKAD
TALUK, PALAKKAD, PIN - 678701



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- 5 THE AGRICULTURAL OFFICER,
KRISHIBHAVAN, KANNADI.P.O, PALAKKAD, PALAKKAD,
PIN - 678701
- 6 LOCAL LEVEL MONITORING COMMITTEE,
KANNADI GRAMA PANCHAYAT, KANNADI.P.O, PALAKKAD
TALUK, PALAKKAD, REP.BY ITS CONVENER, PIN -
678701

OTHER PRESENT:

SPL GP SRI S RENJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 05.11.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



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“C.R.”

P.V. KUNHIKRISHNAN, J.

W.P.(C.).No.984 of 2025

Dated this the 5th day of November, 2025

JUDGMENT

Nowadays, the routine duty of this Court is to set aside stereotypical orders passed by authorised officers in Form 5 applications filed by land owners in accordance with the Kerala Conservation of Paddy Land and Wetland Rules, 2008. ('Rules 2008', for brevity) When Form-5 applications are filed before the authorised officers, 90% of them are disposed of with the same set of sentences without application of mind by the authorised officers. This Court, in several judgments, directed the authorised officers to pass a speaking order after adverting to the contentions of the respective parties. But, even if there are several such directions from this Court, the orders are passed without considering those judgments. Similar types of



orders are passed by almost all the authorised officers in the state. This Court even apprehends that the authorised officers are passing orders based on a standard order drafted by them, which is circulated among themselves! Since this Court must interfere with these orders for the same reason that they are not a speaking order, the judgments of this Court are also stereotypical. If statistics are examined regarding the writ petitions that set aside orders passed in Form-5 applications, it can be seen that this Court is often compelled to pass stereotypical judgments. No purpose will be served in directing the authorised officers to pass a speaking order is the present situation. In Malayalam, there is a story of a nephew and his uncle. The uncle used to beat the nephew to see that he would become a good boy. But there was no change in him. At last, the nephew told the uncle like this: "എന്നെ തല്ലേണ്ടമ്മാവാ, ഞാൻ നന്നാവില്ല" ("Don't beat me uncle, I will never change,"). But this court cannot take it in that manner as far as authorised officers are concerned. This Court cannot ignore this type of attitude from authorised officers, and this Court knows how to deal with



such attitudes from them. Authorised officers are not laymen, but they are senior officers of the state service. The present case is the best example in which an authorised officer not only issued a stereotype order originally in a Form-5 application, but even after this Court set aside the same and directed reconsideration, the same order was repeated without any change, including the modulation of the sentences.

2. I will come to the facts of this case first. Petitioner, along with another, is the absolute owner and also in possession and enjoyment of property comprised in Resurvey No.645/13 in Block No.50 of Kannadi-II Village, Palakkad Taluk in Palakkad District, and the extent of property is 0.0203 hectares. Ext.P1 is the possession certificate issued by the 4th respondent, and Ext.P2 is the basic tax receipt issued by the 4th respondent to the petitioner and his co-owner. Ext.P3 is the location sketch of the petitioner's property.

3. It is submitted that the petitioner's property, though classified as 'Nilam' as per the revenue records, was kept as barren land without any cultivation for the last so many years. It is submitted that the neighbouring properties were also



converted, and residential buildings were constructed. But the Local Level Monitoring Committee, without proper enquiry, erroneously included the petitioner's property in the data bank published by the Kannadi Grama Panchayat, is the submission. According to the petitioner, his property is not at all suitable for any kind of cultivation, because it has been kept as barren land for the last so many years without any cultivation. It is also the case of the petitioner that no water source is available for any kind of cultivation in the said property. Hence, it is submitted that the preservation of the property is impractical. The petitioner produced Ext.P4 photographs to demonstrate that the entire property comprised in the above survey had been converted long ago. Hence, the petitioner filed an application before the 2nd respondent to remove the petitioner's property from the data bank, which was dismissed vide order dated 23.08.2024. The order stated that although the said property had now become barren land, it was still shown as unconverted in the year 2008. Ext.P5 is the application submitted by the petitioner in Form 5, and Ext.P6 is the order passed by the authorised officer in that application.



According to the petitioner, as per Ext. P7 KSREC (Kerala State Remote Sensing and Environment Centre) report, the property was already converted in the year 2008. According to the KSREC report, the petitioner's property was 'fallow land'. The petitioner relied on the decision of this court in **Mather Nagar Residents Association and Another v. District Collector, Ekm and Others** [2020 (2) KHC 94].

4. Aggrieved by Ext.P6 order, the petitioner filed W.P.(C). No.30506/2024 before this Court, which was disposed of directing the 2nd respondent to reconsider the Ext.P5 application in accordance with the law. Ext.P8 is the judgment. According to the petitioner, even though this Court considered **Mather Nagar Residents Association's case** (supra) and directed the authorised officer to reconsider the matter, Ext.P9 order was passed rejecting the same with the same wordings as in Ext.P6 order. Aggrieved by Ext.P9, this writ petition is filed.

5. Heard Sri.V.A.Johnson (Varikkappallil) V.A., the learned counsel for the petitioner and Sri.S.Renjith, the learned Special Government Pleader.



6. The counsel for the petitioner reiterated the contentions raised in this writ petition. The Special Government Pleader supported the impugned order and submitted that there are several Form-5 applications to be considered by the authorised officers, and a mistake was committed by the officer by not passing a speaking order. The Special Government Pleader submitted that the authorised officer will consider the matter afresh in accordance with the law, if necessary.

7. Whether the submission of the Special Government Pleader is to be accepted, and again the impugned order is to be set aside and remanded to the authorised officer, is the first question to be decided. As I mentioned earlier, 90% of the orders passed by the authorised officers in Form-5 applications submitted in accordance with the Rules 2008 in the state are similar. They will first narrate the report of the Agricultural Officer/Village Officer concerned and, thereafter, by blindly accepting the report of the Agricultural Officer/Village Officer, dismiss the Form-5 applications. The same is the case in which Form 5 applications are allowed by these officers.

8. Article 300A of our Constitution says that no person shall be



deprived of his property save by authority of law. Even then, the Kerala Conservation of Paddy Land and Wetland Act, 2008 ('Act 2008', for brevity) is enacted with a great object. This is an Act to conserve the paddy land and wetland and to restrict the conversion or reclamation thereof, in order to promote growth in the agricultural sector and to sustain the ecological system, in the State of Kerala. The Preamble of the Act 2008 is extracted hereunder:

“Preamble.- WHEREAS it has come to the notice of the Government that indiscriminate and uncontrolled reclamation and massive conversion of paddy land and wetland is taking place in the State;
AND WHEREAS there is no existing law to restrict effectively the conversion or reclamation of paddy land;
AND WHEREAS the Government are satisfied that it is expedient, in the public interest, to provide for the conservation of paddy land and wetland and to restrict the conservation or reclamation thereof, in order to promote agricultural growth, to ensure food security and to sustain the ecological system in the State of Kerala”.

9. The Statement of Objects and Reasons of the Act 2008 is



also extracted hereunder:

“Till recently, Kuttanad, Palakkad and such other paddy fields of Kerala were remained as the granaries of the State of Kerala. But the situation has changed for the last few decades. There has been an alarming shift from rice and subsistence food farming to cash crops. The area under rice cultivation has drastically declined from above eight lakhs hectares in the early 1970s to nearly two lakhs hectares in 2000s mainly due to conversion of paddy lands. Kerala is importing more than eighty per cent of its rice requirements from other States. Several social, economical and cultural changes have led to conversion of paddy fields. The paddy fields throughout Kerala is facing severe threats as they are being converted to cash crop plantations. Even the marshes are filled for new constructions. The majority of landowners feel that sustained paddy cultivation is not economically viable and they aspire to shift into more remunerative crops and cropping patterns. Paddy field conversion had led to enormous ecological degradation in the watershed region, reduction in humus formation, intensification of soil erosion that affected the fertility of soil, reduction in water level in wells, ponds etc. The ecological system loses its quality irrecoverably forever and the entire society is the loser. It has led to loss of direct and indirect employment to farm workers and rural



women. The rural poor will have to experience acute water shortage than at present. They lost access to nutrient-rich, low cost food materials, which had been available in and around the paddy fields. Now majority are unaware of the true value of the loss of resources and its consequences on the livelihood conditions and gravity of the problem. It is very likely that the remaining paddy lands would be vanished in the near future, the present policy is continued.

(2) In the wider interest of the society and mankind, paddy lands are to be preserved. Paddy is an amphibious crop that can be cultivated along with the maintenance of ecological functions of wetland and hence paddy cultivation is to be preserved and promoted at any cost.

(3) Similarly, wetlands are some of the most diverse ecosystems on earth as they have both land and aquatic characteristics. Different plant species of a wetland provide habitat for a variety of animal communities. In addition to micro organisms and invertebrates, reptiles are common in wetland. Many amphibians live in wetland during at least part of their life cycle. A large number of fish species require wetland habitat for spawning, feeding part of their life cycle. A large number of fish species



require wetland habitat for spawning, feeding, or protection from predation. Birds are attracted to wetland by the abundant food resources and sites for nesting, resting and feeding. Inland wetland help control floods by storing water and slowly releasing it to downstream areas after the flood peak

(4) Kerala has a total wetland area of 127930 hectares, out of which an area of 34200 is in the inland wetland and 93730 hectares is in the coastal wetland. We have three fresh water lakes at Pookot in Wayanad District, Sasthamkotta in Kollam District and Vellayani in Thiruvananthapuram District. All the wetland including fresh water lakes are facing severe threat as they are drained, cleared and reclaimed for the use of agriculture, settlement, industrial and several other purposes. This behavior will certainly disturb the ecological balance and scarcity for drinking water, drying up of perennial water sources and saline intrusion in the sweet water wells.

(5) Therefore, it is proposed to bring a new legislation covering various aspects of the issue to conserve, regulate the reclamation and conversion of paddy fields and wetland in Kerala.

(6) The proposed enactment will facilitate



conservation of paddy land and wetland, to regulate illegal and vast reclamation of paddy land and other wetland, indiscriminate clay mining from the paddy field, and to improve the overall ecological conditions of the State.

10. From the Preamble and Statement of Objects and Reasons, it is clear that the Act 2008 is framed to promote growth in the agricultural sector and to sustain the ecological system in the State of Kerala. Therefore, every care should be taken to declare a property of a citizen as paddy land or wetland. **When a citizen says that his property is not a paddy land or wetland, or it cannot be used as a paddy land, and an appropriate application is filed to remove his land from the data bank in which his property is included, a great and important duty is there to the authorised officer to consider that application. None should be deprived of enjoying their property, which is a constitutional right, but the larger interest of the state, as shown in the object and reason shown in the Act 2008, is also to be in mind while considering those**



applications. It is a solemn duty of authorised officers. That is why a senior officer is designated as an authorised officer as per the Act and Rules 2008. Rule 4(d) of Rules 2008 says that, if a person is aggrieved by the inclusion of his property in the data bank, he can approach the authorised officer in Form-5 for removing his property from the data bank. If Form-5 is received, the Revenue Divisional Officer/authorised officer issues a receipt, and it should be recorded in the register concerned. If the application concerns the removal of property that is included in the data bank as paddy land, a report should be obtained from the Agricultural Officer; in other cases, it should be obtained from the Village Officer concerned. The Agricultural Officer/Village Officer has to submit the report to the authorised officer within one month. Once such a report is received, the authorised officer can either inspect the property or obtain the KSREC report to determine the claim of the aggrieved party. Thereafter, a speaking order is to be passed.

11. This Court in **Joy K.K. v. Revenue Divisional Officer/Sub Collector, Ernakulam and Others** [2021 (1)



KHC 540], considered this point in detail. It will be better to extract the relevant portion of that judgment :

“11. In the light of the above, the reason given by the LLMC that after removal of coconut trees land can be made available for cultivation of paddy is legally unsustainable. The LLMC totally misguided or misdirected themselves in adverting to the nature of the land. Admittedly, there are grown up coconut trees spread over the entire property. The physical nature of the property as revealed on 12.08.2008 the date on which Act 28/2008 came into force does not attract the natural features of the land for cultivation of paddy and the LLMC cannot include such land as a paddy land. It is not the capability of using the land that matters to treat one land as a paddy land or not. It is only the character and fitness of the land, as available on 12.08.2008, that matters, to include or exclude a land. The LLMC is the competent body to give expert opinion as to the capability of using the land after removing the coconut trees in the land. Their functions and duties are ordained with the statutory provisions.

XXXXX	XXXXX	XXXXX	XXXXX
XXXXX	XXXXX	XXXXX	XXXXX

13. No doubt, the LLMC has necessary



power. The power that has been conferred upon them as pointed out above to determine a land as paddy land or not is based on the facts that exists at the time of Act 28/2008 came into force on 12.08.2008. If the land is a substantially reclaimed land prior to 12.08.2008 with the coconut cultivation, that cannot be treated as a paddy land or a wetland. The expert opinion given by the LLMC that after the removal of coconut trees, paddy can be cultivated is something that is not envisaged under the Act.”(Underline supplied)

12. Similarly, in **Sudheesh U. v. Revenue Divisional Officer, Palakkad** [2023 (2) KHC 505], this Court observed like this:

“4. I have considered the rival contentions. The question to be considered is whether the reason stated in Ext P2 for rejecting the application is legally sustainable. It is settled law that it is the character and fitness of the land, as available on 12.08.2008, i.e., date of coming into force of the Kerala Conservation of Paddy and Wetland Act, 2008, (hereinafter referred to as 'the Act 2008') that is relevant for inclusion or exclusion of the land in the data bank. (See the judgment in **Joy v. Revenue Divisional Officer/Sub Collector, [2021 (1) KLT 433]** and **Arthasasthra Ventures (India) LLP v.**



State of Kerala, [2022 (4) KLT OnLine 1222]. A perusal of Ext. P2 order would reveal that there is no consideration by the 1st respondent as to whether the land in question was a paddy land when the Act 2008 came into force and whether the land is fit for paddy cultivation. The specific case of the petitioner is that no site inspection nor report from the KSREC was obtained before rejecting the application as per Ext P2. In Arthasasthra's case (supra), this Court has held that if the Revenue Divisional Officer is not satisfied with the available materials, the said authority ought to have resorted to scientific data including satellite photographs obtained from KSREC. Therefore, the action of the 1st respondent in rejecting the application of the petitioner without ascertaining as to the character and fitness of the land as on 12.08.2008 and as to whether it was fit for paddy cultivation, without even conducting a site inspection or calling for a report from the KSREC, is absolutely arbitrary and unjust. (Underline supplied)

13. Again, in **Muraleedharan Nair R. v. Revenue Divisional Officer** [2023 (4) KHC 524], this Court observed like this:

"12. When the petitioner seeks removal of his land from the Data Bank, it will not be sufficient for



the Revenue Divisional Officer to dismiss the application simply stating that the LLMC has decided not to remove the land from Data Bank. The Revenue Divisional Officer being the competent authority, has to independently assess the status of the land and come to a conclusion that removal of the land from Data Bank will adversely affect paddy cultivation in the land in question or in the nearby paddy lands or that it will adversely affect sustenance of wetlands in the area. In the absence of such findings, the impugned order is unsustainable. (Underline supplied)

14. In **Arthasasthra Ventures (India) LLP v. State of Kerala** [2022 (7) KHC 591], this Court observed like this:

“7. It is evident that proceedings were initiated on the basis of an allegation that the petitioner is converting the land illegally and unauthorisedly. It was at this stage that the petitioner noted that the land is included in the Data Bank. Therefore, in order to remove the land from the Data Bank, the petitioner has submitted Form-5 application. The Revenue Divisional Officer considered Form-5 application pursuant to the directions of this Court. Ext.P8 proceedings would show that the land is not cultivated with paddy. There are other buildings in the nearby areas. There



is a specific finding that paddy cultivation was not done in the land. There are yielding coconut trees in the property. In spite of all these factual findings, the Revenue Divisional Officer did not pass an order removing the land from the Data Bank for the sole reason that Exts.P3 and P4 proceedings are pending.

8. This Court is of the view that the Revenue Divisional Officer is not justified in taking a decision on merits on the application submitted by the petitioner in Form-5. The most relevant aspect while considering Form-5 application is whether the land in question was a paddy land or a wetland when the Act, 2008 came into force and whether the land is fit for paddy cultivation. The Revenue Divisional Officer, if he was not satisfied with the available materials, ought to have resorted to scientific data including satellite photographs obtained from KSREC. Ext.P8 proceedings to the extent it does not take a final decision on Form-5 application cannot stand the scrutiny of law.” (underline supplied)

15. There are other decisions also of this Court which say about the duty of the authorised officer while considering a Form-5 application submitted in accordance with the Rules 2008. Nowadays, the Revenue Divisional Officers continue to flout the directions in the above judgments. In the present



case, the first order was passed by the 2nd respondent, Revenue Divisional Officer, Palakkad, namely Sri. Sreejith S. It will be better to extract the above order:

"പാലക്കാട് ജില്ലയിൽ പാലക്കാട് താലൂക്കിൽ കണ്ണാടി II വില്ലേജിൽ കണ്ണാടി പ്രാദേശിക നിരീക്ഷണ സമിതി പ്രസിദ്ധീകരിച്ച ഡാറ്റാബാങ്കിലെ ഉള്ളടക്കങ്ങൾ തിരുത്തുന്നതിന് ശ്രീ. വിനമോൻ & ശ്രീമതി ഭൈമി എന്നവർ സൂചന (1) പ്രകാരം 5ആം നമ്പർ ഫോറത്തിൽ അപേക്ഷ സമർപ്പിച്ചിട്ടുള്ളതാണ്.

പ്രസ്തുത അപേക്ഷയിന്മേൽ കൃഷി ഓഫീസറുടെ ശുപാർശ സൂചന (2) പ്രകാരം സമർപ്പിച്ചിട്ടുള്ളതാണ്. ടി റിപ്പോർട്ട് പ്രകാരം വിനമോൻ ആൻഡ് ഭൈമി എന്നവരുടെ 645/13 എന്ന സർവ്വേയിൽ ഉൾപ്പെട്ടിട്ടുള്ള 0.0203 ഹെക്ടർ സ്ഥലം കണ്ണാടി ഗ്രാമപഞ്ചായത്തിന്റെ ഗസറ്റ് വിജ്ഞാപനം ചെയ്യപ്പെട്ട കേരള നെൽവയൽ തണ്ണീർത്തട ഡാറ്റാബാങ്കിൽ 645/4 എന്ന പുതിയ റീസർവ്വേ നമ്പറിൽ ഉൾപ്പെട്ടതാണ്. ടി സ്ഥലം നിലവിൽ കൃഷിയോഗ്യമായ തരിശായി കാണപ്പെടുന്നു എന്നും ടി സ്ഥലം ഡാറ്റാബാങ്കിൽ നിന്നും ഒഴിവാക്കാമെന്ന് പ്രാദേശികതല നിരീക്ഷണ സമിതി അംഗങ്ങൾ ശുപാർശ ചെയ്തെങ്കിലും പ്രസ്തുത സ്ഥലം 2008 നു മുൻപ് പരിവർത്തനം നടന്നതായി കാണപ്പെടുന്നില്ല എന്നും ആയതിനാൽ ഡാറ്റാബാങ്കിൽ നിന്നും ഒഴിവാക്കേണ്ടതില്ല എന്ന് കൃഷി ഓഫീസർ റിപ്പോർട്ട് ചെയ്തിട്ടുണ്ട്.

KSREC റിപ്പോർട്ട് പ്രകാരം 645/13ൽ പെട്ട ഭൂമി 1967ൽ നെൽവയലാണെന്നും 2008 ലും 2010 ലും തരിശാണെന്നും 22/03/2011 ലും 25/12/2022 ലും ചെടികൾ വളർന്ന് നിലുന്നു എന്നും സൂചന 5 പ്രകാരം റിപ്പോർട്ട് ചെയ്തിരിക്കുന്നു.

ഈ കാര്യലയത്തിൽ നിന്നും സൂചന 6 പ്രകാരം സ്ഥലപരിശോധന നടത്തിയതിൽ അപേക്ഷ ഭൂമി പരിവർത്തനപ്പെടാത്ത തരിശാണെന്നും അപേക്ഷ നിരസിക്കാവുന്നതാണെന്നും റിപ്പോർട്ട് ചെയ്തിരിക്കുന്നു.



ടി സാഹചര്യത്തിൽ ഈ വിഷയത്തിൽ സൂചന 2 പ്രകാരമുള്ള റിപ്പോർട്ട് പരിശോധിച്ചും സൂചന 1 പ്രകാരമുള്ള അപേക്ഷകന്റെ അപേക്ഷ പരിഗണിച്ചും, സൂചന 4 പ്രകാരമുള്ള 2018ലെ കേരള നെൽവയൽ തണ്ണീർത്തട പ്രകാരവും ടി വിഷയത്തിൽ ചുവടെ പറയും പ്രകാരം ഉത്തരവാകുന്നു.

ഉത്തരവ്

മേൽ സാഹചര്യത്തിൽ പാലക്കാട് ജില്ലയിൽ പാലക്കാട് താലൂക്കിൽ കണ്ണാടി - II, വില്ലേജിൽ ബ്ലോക്ക് നമ്പർ 050 ൽ റീസർവ്വേ നമ്പർ 645/13 ൽ പെട്ട ഭൂമി 2008 ന് മുമ്പ് പരിവർത്തനപ്പെടാത്തതിനാലും നിലവിൽ കൃഷിയോഗ്യമായ തരിശായി കാണപ്പെടുന്നതിനാലും ഡാറ്റബാങ്കിൽ നിന്നും ഒഴിവാക്കേണ്ടതില്ല എന്ന് സൂചന (2). (3), (4) റിപ്പോർട്ട് പ്രകാരവും ബോധ്യപ്പെട്ടതിന്റെ അടിസ്ഥാനത്തിൽ 2018-ലെ കേരള നെൽവയൽ തണ്ണീർത്തട സംരക്ഷണ (ഭേദഗതി) നിയമം വകുപ്പ് (4)(i) 2018-ലെ കേരള നെൽവയൽ തണ്ണീർത്തട സംരക്ഷണ (ഭേദഗതി) ചട്ടങ്ങൾ, ചട്ടം (4 എഫ്) (4 ഇ) എന്നിവ പ്രകാരം പരിസ്ഥിതിസംരക്ഷണം/ കൃഷി ഭൂമിയുടെ സംരക്ഷണം ഉറപ്പുവരുത്തുന്നതിന് റവന്യൂ ഡിവിഷണൽ ഓഫീസർക്ക് നൽകിയിട്ടുള്ള വിശേഷ അധികാരം ഉപയോഗിച്ച് സൂചന (1) പ്രകാരം സമർപ്പിച്ച അപേക്ഷ നിരസിച്ചുകൊണ്ട് ഇതിനാൽ ഉത്തരവാകുന്നു"

16. Aggrieved by the Ext.P6 order, the petitioner filed a writ petition before this Court relying on the judgment of this Court in **Mather Nagar Residents Association's case** (supra). This Court, as per Ext.P8 judgment in W.P.(C). No.30506/2024, disposed of that case with the following directions:



“The petitioner challenges Ext.P6 order rejecting the Form-5 application submitted under the provisions of Kerala Conservation of Paddy Land and Wetland Act and Rules, 2008, (for short, the Act and the Rules). The reasons stated in Ext.P6 are that the land in question is fallow and that the Agricultural Officer has reported that it can be used for paddy cultivation. The order also notices the recommendation of the Local Level Monitoring Committee (LLMC), which has the power to either include or exclude the land in the data bank, recommending the deletion of the property from the data bank. However, since there was no proof that the land was converted prior to 2008, the Revenue Divisional Officer has rejected the application.

2. There is no reason stated as to why the recommendation of the LLMC was faulty or against the provisions of the Act and Rules. Given the divergent stands taken by the LLMC and the Revenue Divisional Officer, I am inclined to direct a reconsideration.

3. The learned counsel for the petitioner also relied on a judgment of this Court in Mather Nagar Residents Association and Another vs The District Collector, Ernakulam [2020 (2) KHC 94] to contend that merely because the property is lying fallow cannot be a reason for it to be treated as either a wetland or a paddy land under the



provisions of the Act.

4. Given the findings rendered above, I am inclined to quash Ext.P6 and direct the 2nd respondent Revenue Divisional Officer/the authorised officer to re-consider the Form-5 application submitted by the petitioner in the light of the report of the Agricultural Officer, KSREC Report and pass orders **based on the observations made above.** It shall be done within three months from the date of receipt of a copy of this judgment.

The impugned order is quashed. The Writ Petition is allowed as above.” *(Underline and emphasis supplied)*

17. A perusal of Ext.P8 would show that this Court mentioned, **Mather Nagar Residents Association’s case** (supra) also, and observed that merely because the property is lying fallow and water gets logged in the rainy season or otherwise due to the low-lying nature of the property, it cannot be termed as wetland and paddy land under the Act. The report of LLMC and the contrary findings of the Revenue Divisional officer, without any reasoning, were also referred to in it. After Ext.P8 judgment, Ext.P9 order is passed by Sri. Sreejith S, who



was continuing as Revenue Divisional Officer at Palakkad. Paragraphs 1 to 3 (it is not numbered) in Ext.P9 are a repetition of the sentences in Ext.P6 order about the facts. Thereafter, the discussion portion in paragraphs 4 and 5 is as follows:

"കണ്ണാടി - 2 വില്ലേജിൽ ബ്ലോക്ക് 50 ൽ 645/13 എന്ന സർവ്വേ നമ്പറിൽ പെട്ടിട്ടുള്ള 0.0203 ഹെക്ടർ ഭൂമി നിലവിൽ നെൽകൃഷിക്ക് അനുയോജ്യമായ തരിശാണെന്ന് കൃഷി ഓഫീസറുടെ അടിസ്ഥാനത്തിലും ഈ കാര്യലയത്തിൽ നിന്നും സ്ഥലപരിശോധന നടത്തിയതിലും ബോധ്യപ്പെട്ടിട്ടുള്ളതാണ്. KSREC റിപ്പോർട്ട് ലഭ്യമാക്കിയതിൽ അപേക്ഷ ഭൂമി തരിശിട്ട് സസ്യജാലങ്ങൾ വളർന്നു നിൽക്കുന്നതായി റിപ്പോർട്ട് ചെയ്തിട്ടുണ്ട്. ആയതിൽ നിന്ന് അപേക്ഷ ഭൂമി 2008 ന് മുൻ പരിവർത്തനപ്പെട്ടിട്ടില്ല എന്ന് ബോധ്യപ്പെട്ടിട്ടുള്ളതാണ്.

ടി സാഹചര്യത്തിൽ ഈ വിഷയത്തിൽ സൂചന പ്രകാരമുള്ള റിപ്പോർട്ട് പരിശോധിച്ചും സൂചന 1 പ്രകാരമുള്ള അപേക്ഷകന്റെ അപേക്ഷ പരിഗണിച്ചും, 2018-ലെ കേരള നെൽവയൽ തണ്ണീർത്തട സംരക്ഷണ (ഭേദഗതി) നിയമം 2018-ലെ കേരള നെൽവയൽ തണ്ണീർത്തട സംരക്ഷണ (ഭോഗതി) ചട്ടങ്ങൾ എന്നിവ പ്രകാരവും ടി വിഷയത്തിൽ ചുവടെ പറയും പ്രകാരം ഉത്തരവാകുന്നു."

18. Paragraphs 2, 3, 4 and 5, in Ext. P6 and paragraphs 4 and 5 in Ext. P9 are nothing but the same sentences and the same discussion. This is nothing but flouting the directions issued by this Court in Ext.P8 judgment. What is stated in the original



order is repeated in the subsequent order, even after the directions issued by this Court in Ext.P8 judgment. This is nothing but contempt of the directions issued by this Court in Ext.P8 judgment. Therefore, this Court issued a show-cause notice to Sri. Sreejith S, who passed Exts.P6 and P9 orders, on 21.10.2025. It will be better to extract the order dated 21.10.2025:

“I am of the prima facie opinion that this is a case in which disciplinary proceedings should be initiated against Sreejith S, RDO who passed Ext.P9 order, even after Ext.P8 judgment of this Court. Ext.P9 is the reiteration of Ext.P6 order. Even the sentences used in Exts.P6 and P9 are almost same. Sreejith S, RDO is directed to file an affidavit before this Court, why Ext.P8 judgment is not complied in Ext.P9. The affidavit shall be placed on record within two weeks. If Sreejith S, RDO is transferred or if he is promoted, even then, he should file an affidavit. Issue a copy of this order to the Government Pleader, who will communicate the same to him.

Post on 05.11.2025.”

19. Based on the above order, an affidavit is filed by the Officer, who is now working as Deputy Collector (General),



Kottayam. It will be better to extract paragraph 4 of the affidavit:

“4. Since I was the Chief Returning Officer in the Election, various duty has to be performed by me as per the direction of the Election Commission of India. Meantime, the judgment of this Honourable Court was produced in the Office of the RDO. The result of the Election was declared on 26.11.2024 and the Election Commission has directed me to submit the performas regarding the election results, amount spend by each candidates and its account details etc and the same has to be submitted within a period of one month. **Hence, after the receipt of the judgment, the file was put up by Junior Superintendent in the Office of the RDO and they prepared the report and drafted the orders and submitted before me. Since there was time limit fixed by this Honourable Court in the judgment and I was in the midst of post-election related duties, I have signed the orders prepared on the belief that the Junior Superintendent has prepared the order in compliance with the directions of this Honourable Court.**”(Underline and emphasis supplied)

20. I am astonished to see such an affidavit from



an Officer of the State who was the Revenue Divisional Officer and now working as Deputy Collector attached to Kottayam Collectorate. The Officer has the audacity to file an affidavit before this Court stating that the Ext.P9 order was not prepared by him. He states that the file was submitted by the Junior Superintendent in the Office of the Revenue Divisional Officer, and he prepared the report, drafted the orders, and submitted them to him. Since a time limit was fixed by this Court and he was in the midst of post-election-related duties, he was compelled to sign the order prepared and drafted by a Junior Superintendent attached to his office! This is the manner in which a quasi-judicial authority is acting! The Officer is not a layman, but rather an experienced officer in the State Government. He filed an affidavit before this Court saying that the order in the Form-5 application was prepared by his Junior Superintendent, and he only signed it. What a state of affairs is this? This cannot continue. If an election duty is assigned to him, as stated in



the affidavit, and he cannot comply with the order within the time prescribed by this court, he may send a letter to the Advocate General's office requesting an extension of time to comply with the order. This court is usually generous in allowing such applications. But the present officer never does that, and he signs an order prepared by his subordinate. This Officer cannot be left free by exonerating him, as requested by the Special Government Pleader. The Disciplinary Authority should consider whether there is any dereliction of duty from his side and, if so, take appropriate steps against the Officer in accordance with law. **Moreover, a poor litigant who has to approach this Court for the second time for converting his small bit of land (0.0203 hectares of land) due to the carelessness of this officer, and hence the Officer should pay the cost of these proceedings from his pocket, and I fix the cost as Rs. 10,000/-. This is only to strengthen the trust of litigants in the system. No citizen should knock on the doors of the court because of this type of careless attitude from the public servant. It should serve as a warning to all authorised officers considering a Form 5**



application in accordance with the Act and Rule 2008. This Court in the judgment in W.P.(C). No.24043 of 2024 imposed a cost in a similar situation to another authorised officer. These officers will study only if such orders are passed by this court. None of these officers will be allowed to be like the “nephew” mentioned in the story referred to by me in paragraph 1 of this judgment.

21. But this Court cannot stop there. The authorised officers should not be allowed to issue such cryptic orders in the future. What is a speaking order is considered by this Court and the Apex Court in several judgments. The Apex Court in **Basudev Dutta v. State of West Bengal** [2024 KHC 6676] observed that quasi-judicial bodies should pass speaking orders. It will be better to extract the relevant portion of that judgment:

12.2. It is settled law that every administrative or quasi-judicial order must contain the reasons. Such reasons go a long way in not only ensuring that the authority has applied his mind to the facts and the law, but also provide the grounds for the aggrieved party to assail the order in the manner known to law. In the absence of any reasons, it also possesses a difficulty for the judicial authorities to test the



correctness of the order or in other words, exercise its power of judicial review.....

XXXX XXX XXXX
XXXX XXX XXXX
XXXX XXX XXXX

12.6. It is manifestly clear from the above judgments that reasons are heartbeat of every order and every notice must specify the grounds on which the administrative or quasi - judicial authority intends to proceed; if any document is relied upon to form the basis of enquiry, such document must be furnished to the employee; it is only then a meaningful reply can be furnished; and the failure to furnish the documents referred and relied in the notice would vitiate the entire proceedings as being arbitrary and in violation of the principles of natural justice; and before taking any adverse decision, the aggrieved person must be given an opportunity of personal hearing. In the light of the same, we have no hesitation to hold that the order of termination passed against the appellant is arbitrary, illegal and violative of the principles of natural justice and it cannot be sustained."

22. A speaking order by a quasi-judicial authority should be a reasoned decision that clearly communicates findings, the logic behind conclusions, and legal bases



for the action taken. Such orders must show that the authority has applied its mind, followed due process, considered the submissions, and given reasons for its decisions. The key steps for writing a speaking order can be summarised in a table:

S. No.	Section	Content Summary
1	Introduction	Brief facts, parties, context of proceedings
2	Details of the properties	Survey number, division etc
3	Date of filing Form 5 application	-
4	Legal Provisions by which the application was filed	Statutes/rules applicable, jurisdiction
5	Submissions/Evidence, including the findings of the agricultural officer/Village officer and in the KSREC reports, if any	Summary of both sides, key evidence
6	Issues for Decision	Clearly states questions/issues for adjudication
7	Findings/Reasoning	Analysis, reasons, precedents, and mind application
8	Final Decision	Orders, remedies, penalties, etc.
9	Communication	Compliance



23. The Serial Numbers 1 to 6 are only the facts and figures. The speaking order should be narrated in detail in Row 7, analysing the available evidence and the independent assessment of the authorised officer, to determine whether a Form 5 application is to be allowed or dismissed. The order does not need to be in the row and column style mentioned above, but it can be presented in separate paragraphs, as shown in the table above. The dictum laid down by this court regarding the manner in which Form 5 is to be disposed of should be kept in mind while passing the speaking order. The best practices for writing a speaking orders are to use clear and precise language and to avoid vague or generic statements. **A speaking order is vital for ensuring transparency and accountability. Therefore, the Chief Secretary of the State should circulate this judgment to all the authorised officers appointed for considering Form-5 applications in accordance with Rules 2008 and direct them to follow the above table to write a speaking order. In future, if an order passed in a Form-5 application is not a speaking order, this Court will be**



forced to direct the Officer concerned to pay costs to the litigant for unnecessarily approaching this Court again and again. If speaking orders are passed, this Court can also easily dispose of those cases. Returning to the facts of the case, Ext.P7 is the KSREC report in this case. The observations and conclusions in the KSREC report are extracted hereunder:

“The analysis has been carried out from all available data sets of toposheet (1967) and different satellite data sets of 2008, 2010, 2011, 2017 and 2022 for the survey plot.

As per the toposheet of 1967, the survey plot 645/13 was observed as paddy land. The plot bordered by a road on west side was observed under fallow land in the data of 2008. The same land use pattern was observed to continue in the data of 2010 and 2011. The data of 2017 shows the plot under fallow land with vegetation cover. The data of 2022 shows the plot under vegetation cover.”

24. In **Mather Nagar Residents Association’s case** (supra), this Court observed that merely because the property is lying fallow and water gets logged during rainy season or



otherwise due to the low-lying nature of the property, it cannot be termed as a wetland or paddy land under the Act 2008. It will be better to extract the relevant portion of that judgment:

“22. Going by the definition of wetland, we are of the view that, in order to treat a particular land as wetland, it should have the characteristic features and requirement as is provided under Act, 2008. It is clear from the report submitted by the Sub Collector before the Apex Court as well as report of KSREC, the nodal agency of State Government, that the properties in question is a fallow land. Fallow land is never treated as wetland in accordance with the provisions of Act, 2008. It is also significant to note that from the definition of wetland under Act, 2008, paddy land and rivers are excluded. The report submitted by the KSREC is not disputed by the Residents Association. Merely because the property is lying fallow and water gets logged during rainy season or otherwise due to the low lying nature of the property, it cannot be termed as wetland or paddy land in contemplation of Act, 2008. That apart on a query made by us, counsel on either side submitted that, the properties in question have access from the National Highway from Kochi to Coimbatore and by the side of Kochi Metro line, which are also admittedly developed areas with large number of residential, commercial



and multi utility buildings apart from various educational and religious institutions, thus having no scope for any paddy cultivation.

23. However, the alternative argument advanced by learned Senior Counsel for the Residents Association is relying upon Ext.P6 and Ext.P13 revenue record filed in the respective writ petitions that the property was recorded as paddy field. Therefore, the petitioner Residents Association is not entitled to blow hot and cold at the same time contending that the land is wetland in contemplation of the provisions of the Act, 2008. The said aspect is also clear from the report of the KSREC. In that view of the matter, the contention advanced by learned Senior Counsel for the Residents Association that the property in accordance with the report of Sub Collector is wetland, cannot be sustained under law. Mere low lying or a fallow land can never be considered and treated as wetland as per Act, 2008, unless as said earlier, it is having the characteristic features as defined under the Act. That being the factual and legal situation, the contention that the properties in question are wetlands as per Act, 2008 has no foundation or basis. It is also explicit from the satellite pictures produced along with the report of KSREC that, in between the properties constructed with buildings is Kochi to Shornur railway line. Therefore, it is also



evident that, there is no existing aquatic systems in order to treat the same as wetland as per the provisions of Act, 2008.”(Underline supplied)

25. Moreover, this Court perused Ext.P4 photographs, which show that adjacent properties were already converted. In such circumstances, the authorised officer should have allowed the Form-5 application.

Therefore, this Writ Petition is allowed in the following manner:

1. Ext.P9 is set aside, and the authorised officer is directed to reconsider the Form-5 application in the light of the observation in this judgment, within a period of two weeks from the date of receipt of a certified copy of this judgment.
2. Sri. Sreejith S., Deputy Collector (General), Kottayam, is directed to pay an amount of Rs. 10,000/- (Rupees Ten Thousand Only) to the petitioner as cost, from his pocket, for unnecessarily dragging him to this Court.



3. The Registry will forward a copy of this judgment to the Chief Secretary, State of Kerala, and the Chief Secretary will instruct his subordinates to forward a copy of this judgment to all the authorized officers appointed in accordance with Rules 2008 to consider Form-5 applications, and such authorized officers shall pass orders in Form-5 applications containing the details mentioned in the table extracted in paragraph 22.
4. If there is any violation of the directions of this Court in future, this Court will be forced to initiate appropriate steps.
5. The Chief Secretary will also forward this judgment to the Disciplinary Authority of Sri. Sreejith S, who is now working as the Deputy Collector (General), Kottayam, and the Disciplinary Authority, will take appropriate steps in accordance with the law if there is any dereliction of duty on his part. However, I make



it clear that, if any disciplinary proceedings are initiated, the Disciplinary Authority should take appropriate steps untrammelled by any observation in this judgment, and the Disciplinary Authority can decide it independently and should not be influenced by this judgment.

sd/-
P.V.KUNHIKRISHNAN
JUDGE

JV

Judgment reserved	NA
Date of Judgment	05.11.2025
Judgment dictated	05.11.2025
Draft Judgment placed	07.11.2025
Final Judgment uploaded	12.11.2025



2025:KER:83912

WP(C) NO. 984 OF 2025

APPENDIX OF WP(C) 984/2025

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE POSSESSION CERTIFICATE DATED 19.04.2024 ISSUED BY THE 4TH RESPONDENT
Exhibit P2	TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY THE 4TH RESPONDENT
Exhibit P3	TRUE COPY OF THE LOCATION SKETCH OF THE PETITIONER'S PROPERTY ISSUED BY 4TH RESPONDENT
Exhibit P4	PHOTOGRAPH OF THE PETITIONER'S PROPERTY
Exhibit P5	TRUE COPY OF THE PETITIONER'S APPLICATION DATED 13.07.2023
Exhibit P6	TRUE COPY OF THE ORDER IN FILE NO.5327/2024 DATED 23.08.2024 ISSUED BY THE 2ND RESPONDENT
Exhibit P7	TRUE COPY OF THE KSREC REPORT DATED 17.05.2024
Exhibit P8	TRUE COPY OF THE JUDGEMENT IN W.P.C.NO.30506/2024 OF THIS HON'BLE COURT DATED 21.11.2024
Exhibit P9	TRUE COPY OF THE ORDER NO.RDOPK/2678/2024-J4 DATED 11.12.2024