



2025:KER:19558

WP(C)No.24253 of 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

MONDAY, THE 3RD DAY OF MARCH 2025 / 12TH PHALGUNA, 1946

WP(C) NO. 24253 OF 2024

PETITIONER/S:

**DEEPAK N ,
AGED 54 YEARS
S/O NARAYANAN NAIR VILLA NO 15, NAGPAL STADIUM
PARK.PALARIVATTOM P.O, ERNAKULAM DISTRICT KOCHI,
PIN - 682025**

**BY ADVS.
P.K.SOYUZ
E.V.BABYCHAN**

RESPONDENT/S:

- 1 STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, REVENUE
DEPARTMENT,GOVERNMENT SECRETARIAT, STATUE,AG'S OFFICE
P.O THIRUVANANTHAPURAM, PIN - 695001**
- 2 THE REVENUE DIVISIONAL OFFICER/SUB COLLECTOR,
FORT KOCHI RDO OFFICE, FORT KOCHI P.O ,ERNAKULAM,
PIN - 682001**
- 3 KOCHI MUNICIPAL CORPORATION ,
REPRESENTED BY ITS SECRETARY, KOCHI MUNICLPAL
CORPORATION OFFICE,PARK AVENUE, ERNAKULAM P.O,
PIN - 682011**
- 4 THE SECRETARY,
KOCHI MUNICIPAL CORPORATION KOCHI MUNICIPAL CORPORATION
OFFICE. PARK AVENUE, ERNAKULAM P.O, PIN - 682011**

BY ADV C.N.PRABHAKARAN

OTHER PRESENT:

Smt.Preetha.K.K, Sr.G.P, Shri. Janardhana Shenoy, S.C

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



J U D G M E N T

The petitioner, who is the owner in possession of property having an extent of 2.28 Ares of land comprised in Survey No. 224/1-128 in Block No.1 of Poonithura Village, Kanayannur Taluk, Ernakulam District, has approached this Court, aggrieved by Ext.P6 issued by the 4th respondent, the Secretary to the 3rd respondent, requiring the petitioner to pay conversion fee under Rule 12(9) of the Kerala Conservation of Paddy Land and Wetland Rules, 2008, in respect of the building proposed to be constructed.

2. Apparently, Ext.P6 was issued on the reason that the property of the petitioner is described as 'Nilam' in the revenue records. However, the case of the petitioner is that, the application for building permit which was the subject matter of the Ext.P6, was submitted by him to construct an additional floor on the existing building, without any increase in the plinth area on the ground floor.

3. Earlier, when the matter came up for consideration on 05.08.2024, an interim order was passed by this Court staying the demand made by Ext.P6 and further direction was issued to the Corporation to consider



the application submitted by the petitioner for permit, if it is otherwise in order.

4. Today, when the matter came up for consideration, the learned counsel for the petitioner submits that in the light of the interim order, the application of the petitioner was processed and a permit is issued. Now what remains is decide the question regarding the amount demanded as per Ext.P6.

5. As far as the said issue is concerned, this court in ***Abad Builders Private Limited vs State Of Kerala*** reported in ***2025 KLT OnLine 1033*** held that Rule 12(9) read with Note (1) to the schedule of the Kerala Conservation of Paddy Land and Wetland Rules, 2008, to the extent it demands conversion fees for the building, is ultra vires of the provisions of the Act. Therefore, in the light of the aforesaid decision, the demand made in Ext.P6 is not legally sustainable. Besides, the fact the property of the petitioner is described as 'Nilam' in the revenue records, will not also preclude the petitioner from obtaining the permit for constructing an upper floor on the existing building, in the light of the observations made by this Court



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in ***Abdul Salam C.K. & Another v. State of Kerala and Ors*** reported in **2021 (6) KHC 277.**

In the light of the legal proposition laid down in the decisions referred to above, this writ petition is disposed of, quashing Ext.P6 and by making the interim order passed by this Court on 05.08.2024 absolute.

Sd/-

**ZIYAD RAHMAN A.A.
JUDGE**

SM/1003



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APPENDIX OF WP(C) 24253/2024

PETITIONER EXHIBITS

- | | |
|-------------------|---|
| Exhibit P1 | TRUE COPY OF THE SALE DEED NO. 707/2012 DATED 02.03.2012 OF MARADU SRO |
| Exhibit P2 | TRUE COPY OF THE PROPERTY TAX RECEIPT IN THE NAME OF THE PETITIONER DATED 05.05.2012 ISSUED BY THE 3 RD RESPONDENT CORPORATION |
| Exhibit P3 | TRUE COPY OF THE LAND TAX RECEIPT DATED 25.09.2023 ISSUED BY THE VILLAGE OFFICER , POONITHURA VILLAGE |
| Exhibit P4 | TRUE COPY OF THE ORDER NO. 8010/2024 DATED 18.06.2024 OF THE 2 ND RESPONDENT RDO |
| Exhibit P5 | TRUE COPY OF THE APPLICATION FOR BUILDING PERMIT DATED 09.12.2023 SUBMITTED BY THE PETITIONER BEFORE THE 4 TH RESPONDENT |
| Exhibit P6 | TRUE PRINT OUT OF THE INTIMATION/ NOTICE DATED 18.01.2024 ISSUED BY THE 4 TH RESPONDENT TO THE PETITIONER |

RESPONDENTS' EXHIBITS:NIL

TRUE COPY

P.A.TO JUDGE