



2025:KER:15028

WP(C)No.27127 of 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

FRIDAY, THE 21ST DAY OF FEBRUARY 2025 / 2ND PHALGUNA, 1946

WP(C) NO. 27127 OF 2024

PETITIONER/S:

**MIYANATH MARIYA,
AGED 63 YEARS
W/OHASSAINAR, KAKUTHIL HOUSE, CHITHARI, P.O., KASARGOD,
PIN - 671316**

**BY ADVS.
M.S.SHAMLA
SHIBA M SAMUEL
RISNI FARHATH**

RESPONDENT/S:

- 1 THE DISTRICT COLLECTOR,
CIVIL STATION, VIDYA NAGAR, KASARGOD,
PIN - 671123**
- 2 THE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE, KANHANGAD, KASARGOD,
PIN - 671315**
- 3 THE VILLAGE OFFICER
AJANUR VILLAGE OFFICE, KASARGOD, PIN - 671315**
- 4 THE AGRICULTURAL OFFICER
AGRICULTURE OFFICE,AJANUR, KASARGOD, PIN - 671531**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



J U D G M E N T

This writ petition is filed by the petitioner is the owner in possession of property having an extent of 19 Ares 37 Sq. Mtrs of land comprised in Re-Survey No. 124/14 in Block No.016 of Ajanur Village, Hosdurg Taluk of Kasargod District. The grievance of the petitioner is that, even though the said property was not included in the Data Bank prepared under the Kerala Conservation of Paddy Land and Wetland Act, 2008 (hereinafter referred to as 'Paddy Land Act'), the same was described as 'Nilam' in the revenue records. Therefore petitioner submitted Ext.P3 application in Form-6 which was rejected as per Ext.P4 order dated 09.02.2024. Challenging the same, this writ petition was filed.

2. Pending consideration of this writ petition, the petitioner submitted Ext.P10 appeal before the 1st respondent and Ext.P11 is the acknowledgment evidencing the submission of same on 15.01.2025.

3. I have heard Smt. Shamla M.S, the learned counsel appearing for the petitioner and Smt. Amminikutty, the learned Government Pleader for the respondents.



4. Considering the fact that, as an appeal is submitted by the petitioner under Sec.27B of the Paddy Land Act against Ext.P4 order, it is only proper that a decision thereon be taken by the petitioner as expeditiously as possible. It is true that, the said appeal was submitted by the petitioner after expiry of the statutory period prescribed under Sec. 27B. However, it is a fact that the petitioner had approached this Court by filing this writ petition challenging Ext.P4 order and therefore, she was pursuing her challenge diligently. Besides, it is also the case of the petitioner that the petitioner had already submitted an application explaining the reasons for the delay in filing the appeal. This Court has already held in **UDAYAN VASUDEVAN v. THE DISTRICT COLLECTOR in WP(C) NO. 1463 OF 2025** that, since there is no absolute prohibition contemplated in Sec.27B to entertain the appeal beyond the period stipulated, it shall be open for this Court to issue appropriate orders for considering the application under Article 226 of the Constitution of India. The learned Counsel for the petitioner also submitted that, she had already submitted an affidavit along with Ext.P10 appeal explaining the reasons for the delay.



5. In such circumstances, this writ petition is disposed of directing the 1st respondent to take up Ext.P10 appeal, after considering the affidavit, if any, submitted by the petitioner explaining the reasons for the delay. In case the petitioner has not submitted an affidavit, it shall be open to the petitioner to file such an affidavit within two weeks from the date of receipt of copy of this judgment. It is further ordered that, while considering the reason submitted by the petitioner explaining the delay, the 1st respondent shall take into account the fact that this writ petition was pending since 29.07.2024 and thus the petitioner was diligently prosecuting the matter.

Necessary orders on the appeal shall be passed within a period of three months from the date of receipt of such affidavit, subject to the compliance of the conditions referred to above. Till such a decision is taken in Ext.P10 appeal, further proceedings pursuant to Ext.P4 shall be kept in abeyance, subject to the condition that the petitioner shall not do any act which alters the nature of the property.

Sd/-

**ZIYAD RAHMAN A.A.
JUDGE**



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APPENDIX OF WP(C) 27127/2024

PETITIONER EXHIBITS

- Exhibit P1** TRUE COPY OF PARTITION DEED NO. 2623/2017 DATED 9.8.2017 EXECUTED BY MARIYA
- Exhibit P2** TRUE COPY OF THE LAND TAX RECEIPT DATED 25.7.2023 ISSUED BY THE VILLAGE OFFICER, AJANUR
- Exhibit P3** TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER IN FORM NO. 6 BEARING NO. 1/2022/1160038 DATED 18.6.2022
- Exhibit P4** TRUE COPY FO THE REJECTION ORDER ISSUED BY THE 2ND RESPONDENT BEARING FILE NO. 498/2024 DATED 9.2.2024
- Exhibit P5** TRUE COPY OF THE PHOTOGRAPH SHOWING THE PROPERTY IS SURROUNDED BY BUILDINGS AND ROAD
- Exhibit P6** THE TRUE COPY OF THE APPEAL FILED BEFORE THE DISTRICT COLLECTOR, KASARAGOD DATED 05/09/2024 WITH ENGLISH TRANSLATION
- Exhibit P7** THE TRUE COPY OF THE DELAY CONDONATION PETITION FILED BY THE PETITIONER
- Exhibit P8** THE TRUE COPY OF THE CHELLAN FORM
- Exhibit P9** THE 1ST RESPONDENT ISSUED RECEIPT FOR RECEIVING THE APPEAL
- Exhibit P10** THE TRUE COPY OF THE APPEAL FILED BEFORE THE HON'BLE DISTRICT MAGISTRATE DATED 14/01/2025 WITH RECEIPT (Document accepted on record as per order in IA No.2/2025 dated 21.02.2025)
- Exhibit P11** THE TRUE COPY OF CHELLAN DATED 15/01/2025Document accepted on record as per order in IA No.2/2025 dated 21.02.2025)

RESPONDENTS' EXHIBITS:NIL

TRUE COPY

P.A.TO JUDGE