

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

Wednesday, the 5th day of November 2025 / 14th Karthika, 1947
WP(C) NO. 39694 OF 2018(S)

PETITIONER:

PARISTHITHI SAMRAKSHANA SAMITHI MUTHALAKODAM (REG.NO.1228/04),
REPRESENTED BY ITS PRESIDENT MR.N.U JOHN, S/O.ULAHANNAN,
AGED 64 YEARS, NEDUMKALLEL, MUTHALAKODAM.P.O., THODUPUZZHA,
IDUKKI DISTRICT, PIN-685 605.

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,
THIRUVANANTHAPURAM - 695 001.
2. THE PRINCIPAL SECRETARY TO GOVERNMENT, DEPARTMENT OF REVENUE,
THIRUVANANTHAPURAM - 695 001.
3. THE SPECIAL SECRETARY (LAW), DEPARTMENT OF LAW(LEGISLATION-A),
THIRUVANANTHAPURAM - 695 001.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the respondents No.1 and 2, not to permit any person to change the use of "unnotified lands" for residential or commercial or for other purpose and not to change the entries in revenue records relating to such lands, till the disposal of the Writ Petition in the interest of justice.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 29/10/2025 and upon hearing the arguments of M/S.DAISY A.PHILIPOSE & JAI GEORGE, Advocates for the petitioner and of SRI.K.P.JAYACHANDRAN, ADDITIONAL ADVOCATE GENERAL, SRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL, SRI. S.RENJITH, SRI. V.MANU & SRI. M.H.HANIL KUMAR, SPECIAL GOVERNMENT PLEADERS for the respondents, the court passed the following:

P.T.O.

Nitin Jamdar, C.J. & Syam Kumar V.M., J.

**W.P.(C) No.39694 of 2018,
W.P.(C) Nos.619, 7221, 16625, 17416 of 2020
and
W.P.(C) No.33245 of 2024**

Dated this the 05th day of November, 2025

ORDER

Heard Ms.Daisy A. Philipose, learned counsel for the Petitioner in W.P.(C) No.39694 of 2018, Mr.Vishnu S., learned counsel representing Mr.Millu Dandapani, learned counsel for the Petitioner in W.P.(C) No.619 of 2020, Mr.P.B.Sahasranaman, learned counsel for the Petitioner in W.P.(C) No.16625 of 2020, Mr.B.Sajeev Kumar, learned counsel for the Petitioner in W.P.(C) No.17416 of 2020, Mr.Reji George, learned counsel for the Petitioners in W.P.(C) No.33245 of 2024 and Mr.K.Gopalakrishna Kurup, learned Advocate General assisted by Mr.S.Renjith and Mr.M.H.Hanil Kumar, learned Special Government Pleaders.

2. These group of petitions include two Public Interest Litigations and the writ petitions filed by the land owners. Though these petitions challenge the validity of the 2018 Amendment to the Kerala Conservation of Paddy Land and Wetland Act, 2008 (Act of 2008), the challenge is on different grounds. According to the Public Interest Litigation Petitioners, the act of reclaiming the paddy land and wetland under the Kerala Land Utilisation Order, 1967 was not

W.P.(C) No.39694 of 2018 & con. cases

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permitted, but by the amending Act of 2018, the State is condoning such reclamation which is contrary to the object of the Act of 2008. The contention of the Petitioners – land owners is that there was no embargo on any reclamation prior to the Act of 2008 and once the land owners are able to demonstrate, as a matter of fact, that the reclamation took place prior to 2008, no fetters can be placed under the Act of 2008 on their right to use the land having regard to the position reflected in the Basic Tax Register. Therefore, the position prior to the Act of 2008 as regards the aspect of reclamation / conversion / filling up of the paddy land and wetland would be material. However, different stands on behalf of the State are emerging from the record. Therefore, it would be appropriate that an affidavit be filed by the State in these petitions on the above aspect.

3. Post on 10 November 2025.

Sd/-

Nitin Jamdar
Chief Justice

Sd/-

Syam Kumar V.M.
Judge

ds 05.11.2025