

Abridged Index

I.L.R. – Index of reported cases – 05.03.25

Code of Criminal Procedure, 1973 (Central Act 2 of 1974)—Section 432 —Power to suspend or remit sentences - Remission can be granted without an application-States and union **Territories** make policy dealing to with remissions—Suitable conditions can be incorporated in the order granting permanent remission—The order granting or refusing or cancelling remission should contain reasons for doing it—An order granting permanent remission cannot be withdrawn or cancelled without hearing the affected party - In Re: Policy Strategy for grant of bail v. Nil - I.L.R. 2025 Kerala OnLine 79 SC: Neutral Citation No. 2025 INSC 239.

Conservation of Paddy Land and Wetland Act, 2008 (Kerala Act 28 of 2008)—Section 27A—Fees to be remitted for sanction of change of nature of un notified land—Applicant seeking conversion of land having an extent of more than 25 Cents is liable to pay conversion fee for the entire extent of land - State of Kerala and others v. Moushmi Ann Jacob - I.L.R. 2025 Kerala OnLine 78 SC: Neutral Citation No. 2025 INSC 255.

Constitution of India—Articles 226, 227, 323A and 323B—Administrative Tribunals will act like courts of first instance in respect of the areas of law for which they have been constituted—Litigants are prohibited from directly approaching the High Court to question the vires of statutory legislation, thereby overlooking the jurisdiction of the relevant Tribunal, save in the case of the legislation that created the particular Tribunal— Administrative Tribunals Act, 1985 (Central Act 13 of 1985)—Sections 4,

15, 19 and 28 - Sadhiq M.M. v. State of Kerala and others - I.L.R. 2025 Kerala OnLine 77: Neutral Citation No. 2025:KER:251.

Land Acquisition Act, 1894 (Central Act 1 of 1894)—Sections 5A and 17 —Seven principles to be followed with respect to land acquisition proceedings, reiterated—Right to be heard under Section 5A is an important right of the objector and unless circumstances exist to invoke the power under Sections 17(1) and (4), the right should not be taken away—A reasoned order akin to a judgement need not be passed while invoking urgency clause— if there are material on record, from which subjective satisfaction was arrived at regarding the urgency, then delay on the part of some of the officers cannot imply that the material itself was absent or that the subjective satisfaction is flawed—Constitution of India— Article 300A - Thomas V.T. and others v. Spl. Tahasildar (L.A.), and others - I.L.R. 2025 Kerala OnLine 76: Neutral Citation No. 2024:KER:97071.

Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (Central Act 23 of 1988)—Section 3—The delay between the last prejudicial activity and the detention order must be satisfactorily explained—The underlying principle is that an unexplained delay casts significant doubt on the genuineness of the detaining authority's subjective satisfaction, thus rendering the detention order invalid for want of a live and proximate link between the grounds and purpose of detention - Radhika S. v. State of Kerala and others - I.L.R. 2025 Kerala OnLine: 75: Neutral Citation No. 2025:KER:2132.

Right to fair compensation and transparency in land acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013)—Explanation 1 to S.26 (1)(a)—The order of the reference court regarding an acquisition in the same village can be considered when calculating the market value—Exemplars older than nine years can be taken into account, provided that the escalation prices are applied with caution - Aleyas K.C. v. State of Kerala and others - I.L.R. 2025 Kerala OnLine: 74: Neutral Citation No. 2025:KER:8449.

Right to fair Compensation and Transperency in land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central ACT 30 of 2013)—Explanation 3 to S.26(1)(a)—The award passed in a previous acquisition, which fixed the market value of land in the same village, should have been considered by the District Collector to determine the market value for the purpose of calculating the compensation to be paid under Section 28 of the Act - Aleyas K.C. v. State of Kerala and others - I.L.R. 2025 Kerala OnLine: 74: Neutral Citation No. 2025:KER:8449.

Please visit our Website- www.ilrkerala.gov.in