



Inkling vs Reality: When Does “Notice” Truly Begin?

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A recent ruling by the Federal Court in *Lee Kean Choon v Khoo San & Ors* [Civil Appeal N0: 01(f)-11-04-2025(B)], confronts a seemingly technical question under the National Land Code (NLC): when is a decision “communicated” for the purpose of triggering the statutory deadline for appeal?

The answer carries considerable weight. Section 418 of the NLC imposes a strict three-month window to challenge decisions made by land authorities. Miss that deadline, and the right to appeal is extinguished regardless of the merits.

The dispute, therefore, turns not merely on timing, but on the quality and certainty of knowledge required before legal consequences begin to flow.

From Informal Awareness To Formal Notice

At the centre of the case lies a familiar factual pattern: a private arrangement overtaken by formal administrative action. Two co-proprietors had long treated their land as divided in practice, pursuant to a decades-old agreement. Yet this informal equilibrium was disrupted when one party applied without disclosure to formally partition the land through the Land Office. Approval was granted in August 2020.

The other co-owner remained unaware until March 2021, when a surveyor’s presence on the land raised suspicions. A letter of approval was briefly shown. Objections were attempted. But it was only in August 2021 that full documentation and formal confirmation of the decision were obtained.

The appeal followed in November 2021.

The High Court and Court of Appeal viewed the March encounter as sufficient to trigger the statutory clock. The Federal Court took a more exacting view.

Drawing The Line: Inkling vs Reality

The Federal Court’s reasoning rests on a clear conceptual distinction: the difference between an “inkling” and legal “communication”. Mere awareness, however credible, does not suffice. For the purposes of Section 418, a decision must be:

- In writing: Oral explanations or glimpses of documents are inadequate.
- Official: The communication must emanate from the authority itself, not from intermediaries or third parties.
- Complete and certain: Partial or informal disclosure cannot ground legal consequences.

This approach reflects a broader principle: administrative decisions do not become operative against affected parties until they are formally and properly conveyed.

The Court’s stance rejects the notion that fragmented knowledge can impose binding legal timelines. Suspicion, even well-founded suspicion, is not enough.

Rebalancing Fairness And Efficiency

This ruling subtly recalibrates the balance between administrative efficiency and individual rights. From the perspective of public authorities, the decision introduces a higher procedural burden. It is no longer sufficient that an affected party has, in some sense, “found out”. The obligation lies squarely on the authority to ensure proper service of its decisions.

For landowners, however, the ruling provides a safeguard against procedural unfairness. Land, often a person’s most valuable and immovable asset, cannot fairly be subjected to decisions that take effect through indirect or accidental disclosure.

The risk addressed here is a practical one: that individuals might be deprived of their right to challenge decisions based on incomplete, second-hand or ambiguous information. The Federal Court’s insistence on formal notice reduces that risk.

Implications For Administrative Practice

The implications extend beyond land disputes. First, the ruling reinforces a culture of documentary discipline within public administration. Authorities must now ensure that decisions are not only made but properly recorded and formally communicated.

Second, it limits the legal relevance of informal information flows whether through surveyors, consultants, or other intermediaries. Such channels may alert affected parties, but they cannot substitute for official notice.

Third, the decision may introduce a degree of temporal uncertainty. Until formal communication occurs, the appeal period does not begin. This could, in some cases, delay finality. But the Court appears willing to accept this trade-off in favour of procedural clarity.

A Formalist Turn In Administrative Law

At a broader level, the judgment reflects a distinctly formalist instinct. In an era where information often travels quickly and informally, the Court has reaffirmed the law’s preference for clear, authoritative acts. Rights and obligations should not hinge on chance encounters or partial disclosures.

This insistence on formality serves an important function: it creates a stable and predictable legal environment in which parties know precisely where they stand.

Yet it also raises questions about how administrative systems adapt to the realities of modern communication, where the line between formal and informal knowledge is increasingly blurred.

Conclusion: Certainty Over Ambiguity

Ultimately, the Federal Court’s ruling is less about semantics than about safeguarding legal certainty. By privileging “reality” over “inkling”, the Court ensures that the right to appeal is anchored to a clear and verifiable event: the formal communication of a decision.

For landowners, this offers reassurance that their rights will not be eroded by ambiguity. For public authorities, it is a reminder that procedural requirements are not mere technicalities, but integral to the legitimacy of administrative action.

In matters of land where the consequences are enduring and often irreversible, the message is unequivocal: knowledge must be official, written and beyond doubt before the law begins to count time against you. In this sense, the decision reinforces a simple but critical principle, legal time should only begin to run when certainty, not suspicion, is firmly in place.

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