

1.

IN THE COURT OF THE ADDL.DISTRICT JUDGE-III, ALAPPUZHA

Present: Sri. Suhaib M., Additional District Judge-III

Tuesday 31st day of March, 2026 / 10th Chaithra, 1947

O.P.(LANH) 18/2024

(Filed on:13.02.2024)

Petitioner : The Special Deputy Collector LA(NH-66) and
Competent Authority, Alappuzha.

(By Addl. Govt.Pleader)

Cr. Petitioners : 1. Smt. Minikumari, D/o Kalyani,
Kuttiapurath Veedu,
Pathirappally, Thumboli P.O, 688008

2. Smt. Suchetha K. W/o. Late
Pushpangathan, Sanju Nivas,
Ward No. 18, Aryad Panchayath,
Pathirappally P.O.

3. Sri. Divakaran, S/o. Late Kunjikandan,
Veliyil House, Chettikadu Muri,
Pathirappally P.O(Died)

4. Sajitha, D/o Late Pushpangathan,
Sanju Nivas, Ward No. 18,
Pathirappally.

5. Sandhya, D/o Late Pushpangathan,
Sanju Nivas, Ward No. 18, Pathirappally.

6. Sanju, D/o Late Pushpangathan, Sanju
Nivas, Ward No. 18, Pathirappally

7. Vilasini, D/o. Late. Bhavani,
Thekkethayil Veedu, Kalavoor P.O.(Died)

8. Ajithakumari T.K, D/o Late. Manoharan,
Ayyanattu Pulari Nagar, House No. 1.

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Thekkumbhagam Village, Kanayannoor,
Thrippunithura P.O, Ernakulam.

9. Laly Prasannan, D/o Late. Manoharan,
Mullapparambu Veedu,
Ward No. 18, Pathirappally P.O.
10. Shine, S/o Late Manoharan,
Mullapparambu Veedu,
Ward No. 18, Pathirappally P.O.
11. Mini Baiju, D/o Late Manoharan,
Mullapparambu Veedu,
Ward No. 18, Pathirappally P.O,
12. Sobhana Peethambaran,
W/o Peethambaran, G-2 Dahlia Block
Esteem Gardenia, Bangalore North
Sahakara Nagar P.O,
Bangalore, Karnataka 560092.
13. Salila, D/o. Dakshayani,
Mullapparambu Veedu,
Ward No. 18, Pathirappally P.O,
14. Radhamma Mohandas @ Radha
Mohandas, aged 70 yeas, Sree Gokulam
House, Thannermukkom North Village,
Cherthala.
15. Byju A., S/o. Dakshayani & V.K. Ankan,
Sreyas, Kalavamkodam P.O, Vayalar,
Cherthala, Alappuzha 688536
16. Binu, S/o. Dakshayani, Mohanalayam
House, Ward No. 18, Varanam P.O,
Cherthala.

17. Kanakamma Natesan alias Kanakaprabha
D/o.Dakshayani, Mullasseril Veedu,
S.L.Puram P.O, Alappuzha
18. Kannan, S/o. Late. Vilasini,
Thekkethayil Veedu, Kalavoor P.O,
Alappuzha.
19. Kannanujan, S/o. Late. Vilasini,
Thekkethayil Veedu, Kalavoor P.O,
Alappuzha.
- Addl.R20. Haimavathi, aged 88 years,
W/o. Late Divakaran, Veliyil House,
Poomkavu, Pathirappally P.O, Alappuzha.
- Addl.R21. Sambasivan, aged 70 years,
S/o. Late Divakaran, Veliyil House,
Poomkavu, Pathirappally P.O, Alappuzha
- Addl.R22. Sulabha, aged 68 years,
D/o Late Divakaran, W/o.Prabhakaran,
Veliyil House, Poomkavu, Pathirappally
P.O, Alappuzha
- Addl.R23. Laila, aged 67 years, D/o. Late Divakaran
W/o. Raju C.G., Veliyil House,
Poomkavu, Pathirappally P.O, Alappuzha
- Addl.R24. Anithakumari, aged 63 years,
D/o. Late Divakaran, W/o. Prakash
Chennanattu Veli Perumthuruth,
Ponnad P.O, Mannancherry.
- Addl.R25. Jayamma, aged 62 years,
D/o. Late Divakaran,
W/o. Purantharan, Velimparambil House,
Kalappura, Arattuvazhi P.O, Alappuzha.

Addl.R26. Sujatha aged 60 years,
D/o. Late Divakaran,
W/o. Anil V.S, Veliyil House, Kalppura,
Arattuvazhi P.O, Alappuzha.

Addl.R27. Anju. A, aged 37 years,
D/o Late Jalajakumari, W/o. Shiju P.R,
Padisseril House, Kattoor P.O,
Kalavoor, Alappuzha

Addl.R28. Jayakrishnan, aged 35 years,
S/o. Late Jalajakumari, Veliyil House,
Poomkavu, Pathirappally P.O,
Alappuzha.
(Addl.R20 to R28 impleaded as LR's of
R3 as per order in IA 01/2025 dated
04.10.2025).

Addl.R29. Remya Sree, D/o.Late. Mohandas,
Sree Gokulam, Thanneermukkom North
Village, Cherthala from Mohanalayam.

Addl.30. Ramesh, S/o.Late.Mohandas,
Sree Gokulam, Thanneermukkom North
Village, Cherthala from Mohanalayam.
(Addl.R29 and R30 impleaded as per
order in IA 03/2025 dated 04.10.2025)

This petition having been finally heard on 27.03.2026 and
the court on the 31.03.2026 passed the following.

AWARD

This is a reference made by the Special Deputy Collector and
Competent Authority, Alappuzha, under Section 3H(4) of the National

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Highways Act, 1956, regarding the compensation amount of ₹1,65,72,797/- in connection with the acquisition of landed property having an extent of 0.0641 hectares comprised in Re-survey No. 180/2 in Komalapuram Village, Ambalapuzha Taluk.

2. All the respondents were heard on the question of disbursement of the compensation amount. Indisputably, the compensation amount is to be divided among the legal heirs of Karthiyayani, Bhavani, and Divakaran. Respondent No.1 has claimed the 1/3rd right of Divakaran as a purchaser of his share. However, there is a dispute regarding such purchase. A suit for partition filed by the first respondent as O.S. No. 440/2018 was admittedly decreed, directing allotment of 1/3rd right in favour of the first respondent. However, an appeal against the said decree and judgment is pending as A.S. No. 41/2025. On an application filed by the first respondent, the disputed one-third portion of the compensation amount in deposit has already been ordered to be transferred to fixed deposit.

3. The parties have submitted that the dispute is only with regard to the 1/3rd right of Divakaran, which was allegedly purchased by the first respondent. However, on going through the statement filed

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by counter petitioners Nos. 2 and 4 to 6, being the legal representatives of deceased Bhavani, they have claimed exclusive right over the 1/3rd share of Bhavani. Such a contention shows that they are claiming exclusive right disregarding the claimed rights of respondents Nos. 18 and 19, who are the children of Vilassini, a daughter of Bhavani. Therefore, it appears that there is some dispute among the legal heirs of Bhavani regarding disbursement of the amount. However, there is no dispute at all regarding the 1/3rd share of the children of deceased Karthiyayani.

4. As per the genealogy submitted by the counsel for respondent No.17, which has not been disputed by any other party, Karthiyayani had three children, namely, deceased Manoharan, deceased Dakshayani, and respondent No.17, Kanakaprabha @ Kanakamma Natesan. Respondent No.17 is entitled to 1/3rd right over the share of Karthiyayani. As such, respondent No.17 is entitled to an amount of ₹18,41,421/-. Counter petitioners Nos. 8, 9, 10, and 11 are together entitled to ₹18,41,421/-. Counter petitioners Nos. 12, 13, 15, and 16, being the children of Dakshayani, are entitled to ₹3,68,284/- each. Counter petitioners Nos. 14, 29, and 30, being the legal heirs of

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deceased Mohandas, another son of Dakshayani, are together entitled to ₹3,68,284/-.

In the result, the following order is passed in partial answer to the reference:

1. Respondent No.17 is entitled to an amount of ₹18,41,421/-.
2. Respondents Nos. 8, 9, 10, and 11 are together entitled to ₹18,41,421/-.
3. Respondents Nos. 12, 13, 15, and 16, being the children of Dakshayani, are entitled to ₹3,68,284/- each.
4. Respondents Nos. 14, 29, and 30, being the legal heirs of deceased Mohandas, another son of Dakshayani, are together entitled to ₹3,68,284/-.
5. The disbursement of the remaining two-thirds share shall be decided after trial and hearing and also subject to the disposal of A.S. No. 41/2025.

(Dictated to Adalath AI software, corrected and pronounced by me in the open Court on this 31st day of March, 2026)

Sd/-
SUHAIB M.
Addl. District Judge – III

8.

APPENDIX:-Nil

Id/-

Addl. District Judge – III

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