

**IN THE COURT OF THE SUBORDINATE JUDGE, CHERTHALA**  
**Present:- Sri. Syamlal S.R., L.L.M., Sub Judge**  
**Thursday 30<sup>th</sup> day of August 2018/8<sup>th</sup> Bhadrapadam 1940**

**LAR Nos.5/16, 6/16 & 7/16**  
(Filed on 01.12.2016)

**LAR. 5/2016**

**Claimants:-**

- A. P.G.Abraham Tharakan,  
Ayyanattu Parayil, Thycattussery.P.O.
- B. P.G.Antoney Tharakan, -do-
- C. P.G.Hormese Tharakan, -do-
- D. P.G.George Tharakan, -do-
- E. P.G.Thomas Tharakan, -do-
- F. P.G. John Tharakan, -do-
- G. Thressyamma Jacob, Thureuthezhathu Veedu,  
Valamangalam, Thuravoor.P.O.
- H. Thankamma Poullose, -do-

Claimants G & H, By Adv.Sri.Joyi Varghese.

**Respondents:-**

1. State of Kerala rep. By  
The Special Thahasildar (LA) (General),  
Alappuzha.
2. Executive Engineer, P.W.D. (Roads),  
Alappuzha.

By A.G.P.

**LAR. 6/2016**

**Claimants:-**

- A. P.G.Abraham Tharakan,  
Ayyanattu Parayil, Thycattussery.P.O.
- B. P.G.Antoney Tharakan, -do-
- C. P.G.Hormese tharakan, -do-
- D. P.G.George Tharakan, -do-
- E. P.G.Thomas Tharakan, -do-
- F. P.G. John Tharakan, -do-
- G. Thressyamma Jacob, Thureuthezhathu Veedu,  
Valamangalam, Thuravoor.P.O.
- H. Thankamma Poullose, -do-

Claimants G & H,By Adv.Sri.Joyi Varghese.

**Respondents:-**

- 1. State of Kerala rep. By  
The Special Thahasildar (LA) (General),  
Alappuzha.
- 2. Executive Engineer, P.W.D. (Roads),  
Alappuzha.

By A.G.P.

**LAR. 7/2016**

**Claimants:-**

- A. P.G.Abraham Tharakan,  
Ayyanattu Parayil, Thycattussery.P.O.
- B. P.G.Antoney Tharakan, -do-

- C. P.G.Hormese tharakan, -do-
- D. P.G.George Tharakan, -do-
- E. P.G.Thomas Tharakan, -do-
- F. P.G. John Tharakan, -do-
- G. Thressyamma Jacob, Thureuthezhathu Veedu,  
Valamangalam, Thuravoor.P.O.
- H. Thankamma Poulouse, -do-

Claimants G & H By Adv.Sri.Joyi Varghese.

**Respondents:-**

1. State of Kerala rep. By  
The Special Thahasildar (LA) (General),  
Alappuzha.
2. Executive Engineer, P.W.D. (Roads),  
Alappuzha.

By A.G.P.

These LA References filed under section 31(2) of the L.A.Act having been finally heard on 2.08.2018 and the Court on the 30.08.2018 delivered the following:-

**COMMON JUDGMENT**

These references are under section 31(2) of the Land Acquisition Act .

2. As per award Nos.32/14, 33/14 and 34/14 - 3 Ares, 0.45 Ares

and 2.50 Ares of property in Thuravoor south village in Cherthala Taluk respectively were acquired for the construction of Thycattussery bridge on requisition from the Executive Engineer, Public Works Department(Roads), Alappuzha. Since the parties did not produce documents, the reference was made to this court after depositing the award.

3. On receipt of the notice, G and H claimants filed statement stating as follows. Their case is briefly stated as follows:- The property was acquired from the possession of G and H claimants on the basis of the consent letter give by them. The acquired land originally belongs to Urumees Tharakan. As per Verumpattom deed No.2021/1121, Ouseph took the property on lease. After the death of Ouseph his right devolved upon his sons Jacob and Poulose. Jacob and Poulose are the husband of G and H claimant respectively. After the enactment of Kerala Land Reforms Act, Jacob and Poulose got absolute right over the acquired property. Jacob and poulose are no more. After the death of Poulose and Jacob, G and H claimants became the absolute owners in possession of the acquired land. Except G and H claimants nobody else got right over the acquired property. G and H claimants are entitled to

get the amount deposited as the value of the acquired land.

4. As per order in IA.160/18 Joint trial of these three LAR was allowed.

5. From the side of G and H claimants AW1 was examined and Exts.A1 to A3 were marked.

6. Points for consideration are:-

1. Are G and H claimants entitled to receive the amount deposited in L.A.R.5/16, 6/16 and 7/16?

2. Order.

7. Heard .

8. **Point No.1** :- AW1 filed proof affidavit in lieu of examination in chief. Ext.A1 verumpattom deed No.2021/1121, shows that Ouseph, father-in-law of G and H claimants obtained property inclusive of the acquired land. Exts.A2 and A3 are the certificates issued from church to prove the marriage of G and H claimants with the sons of Ouseph.

9. From the evidence of AW1 it is proved that the property which Ouseph obtained as per Ext.A1 devolved upon his sons after his death and after their death property devolved upon G and H claimants. From the evidence of AW1, it is proved that the property was acquired

from the possession of G and H claimants.

10. In view of the evidence of AW1, Ext.A1, and from the fact that the property was taken possession from G and H claimants, it is held that G and H claimants are entitled to receive the amount deposited in L.A.R.,5/16, 6/16 and 7/16.

**11. Point No.2:**

In the result, award is passed as follows:

G and H claimants in L.A.R.5/16, 6/16 and 7/16 are entitled to get the amount deposited as per the award Nos.32/14, 33/14 and 34/14.

Parties are directed to suffer their costs.

*Dictated to the Confidential Asst.transcribed and typed by her, corrected by me and pronounced in open court this the 30th day of August 2018.*

S.Syamlal  
Sub Judge

**APPENDIX**

**Claimants Exhibits:-**

A1	-	-	-	Copy of Deed No. 2021/1121
A2	-	31.07.2018	-	Certificate issued according the marriage of Thressyamma.

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A3 - 31.07.2018 - Certificate issued according the  
marriage of Thankamma.

**Claimants Witness:-**

PW1 - 02.08.2018 - T.P.Joseph

Sub Judge

Typed by : su  
Comp. by : jc