

IN THE COURT OF THE ADDL.DISTRICT JUDGE-II, KASARAGOD

Present: Smt.Priya.K, Additional District Judge-II, Kasaragod

Monday the 29th day of September, 2025/07th Aswina 1947**COMMON I.A.No.03 OF 2025, I.A.No.04 OF 2025 and
I.A.No.05 OF 2025 in L.A.R. No. 20/2023****I.A.No.03 OF 2025**

Between:-

Nasila Mohammed, aged 48 years,
W/o. H Mohammed Kunhi,
R/at Asma Manzil, Koliyadukkam,

}

Petitioner/Claimant

And

The Special Tahsildar,
L.A. Kasaragod and Anangoor.

}

Respondent/ Acquisition
Officer

Application filed under order XXVI Rule X and Section 151 of Civil
Procedure Code to refer back the Commission Report dated 26.06.2025

Petition filed on : 01.08.2025

Court fee paid : ₹25/-

I.A.No.04 OF 2025

Between:-

Nasila Mohammed, aged 48 years,
W/o. H Mohammed Kunhi,
R/at Asma Manzil, Koliyadukkam,
Kasaragod District.

}

Petitioner/Claimant

And

1. The Special Tahsildar,
L.A. Kasaragod
2. The Executive Engineer,
Kerala Water Authority,
Project Division,
Kannur at Kanhangad,
P.O.Kanhangad

}

Respondents/
Referring Officer

Application filed under order 7 Rule 14 and Section 151 of Civil Procedure Code to receive the document in evidence.

Petition filed on : 10.09.2025

Court fee paid : ₹50/-

I.A.No.05 OF 2025

Between:-

Nasila Mohammed, aged 48 years,
W/o. H Mohammed Kunhi,
R/at Asma Manzil, Koliyadukkam,
Kasaragod District.

Petitioner/Claimant

And

1. The Special Tahsildar,
L.A. Kasaragod
2. The Executive Engineer,
Kerala Water Authority,
Project Division,
Kannur at Kanhangad,
P.O.Kanhangad

Respondents/
Referring Officer

Application filed under Section 151 of Civil Procedure Code to receive additional work memo and to direct the Advocate Commissioner to execute the same.

Petition filed on : 10.09.2025

Court fee paid : ₹30/-

All these petitions are coming on this day for hearing before me in the presence of Sri.Shajid Kammadam., Advocate for the Petitioner in all IAs; of Sri.Chandramohan.G, Additional Public Prosecutor for the 1st respondent in all IAs; of Sri.Santhosh Thomas, Advocate for the 2nd Respondent in IA.04/2025 and IA 05/2025; the Court passed the following:

COMMON ORDER

I.A.No.3/2025 is filed to refer back the Commission Report dated 26.06.2025 under Order XXVI Rule 10 and Section 151 of Civil Procedure Code.

2. I.A.No.4/2025 is filed to receive the document in evidence.

3. I.A.No.5/2025 is filed to receive additional work memo and to direct the Advocate Commissioner to execute the same.

4. **The affidavit attached to I.A.No.3/2025, in brief, is that;** The Advocate Commissioner filed a report and plan dated 26.06.2025, which is defective. The Advocate Commissioner failed to identify and demarcate the acquired and unacquired portions in the plan. It is also submitted that without a clear identification of unacquired portion, the issues relating to injurious affection and severance cannot be effectively addressed. Therefore, it is necessary that the report and plan has to be referred back to the Commissioner for proper clarification and rectification. Hence, the petitioner prayed to allow the petition.

5. **The Affidavit attached to I.A.No.4/2025, in brief, is that;** The Claimant has produced two documents before the court to establish the actual value of the land acquired as on relevant notification period. The lands covered under the said documents are similar in nature and similarly situated

in comparison with the acquired land. The same was not included in the original work memo. Without a comparative evaluation between the acquired land and similarly situated lands, the true market value cannot be determined and such omission would cause serious hardship and prejudice to the Claimant. Hence the petitioner prayed to receive additional work memo and to give direction to the commissioner to note the facts mentioned in the additional work memo.

6. Counters were filed by Respondent No.2 in I.A.No.3/2025 and I.A. No.5/2025 contending that the applications are false and fraudulent and are liable to be dismissed. There is no bonafide in the applications. The applicant is playing the delaying tactics, with ulterior motive. The applicant could have brought to the notice of the Commissioner all the material points, now raised in the application at the time of multiple visits made by the Commissioner. The contentions in the affidavits filed in support of the above applications are not true. Hence, Respondent No.2 prayed for dismissal of the petitions, with the cost.

7. No Counter was filed in I.A.No.4/2025 by respondents.

8. Heard both side.

9. Learned Counsel for the Petitioner in I.A.No.3/2025 and I.A.No.5/2025 submitted that, the commission report may be referred back

and the petitioner may be allowed to give an additional work memo to the Commissioner and direct the Commissioner to note the facts enumerated in the report.

10. Learned Counsel for the Respondent in I.A.No.3/2025 and I.A.No.5/2025 submitted that even if the petitioner was given sufficient opportunity to produce the documents before the Commissioner, he failed to produce the documents before the Commissioner. He is playing delaying tactics with ulterior motives. The Petitioner must have brought to the notice of the Commissioner all the material points now raised in the application at the time of multiple visits made by the Commissioner. He prayed for dismissal of the petitions, with cost.

11. On hearing both side and on perusal of Commission Report and Plan, it is found that even if the petitioner had pointed out to note the injurious affection and the other factors as per the Commission Report, commissioner failed to note those points in the Commission Report. Without getting a clarification in those points, the Court cannot give a just decision in this case. In such circumstances, it is expedient to allow these petitions and also to allow to permission to give work memo to the Commissioner by both parties, as such no prejudice will be caused.

In the result,

I.A.No.3/2025, I.A.No.4/2025 and I.A.No.5/2025 are allowed, without cost. The petitioner shall give ₹3,000/- (Rupees Three Thousand only) to the Commissioner, as remuneration. Both parties are at liberty to give work memo to the Commissioner. Commissioner is directed to take note of the facts in the work memo given by the parties in order to avoid further complications.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open Court on this the 29th day of September, 2025).

NPV/-

**ADDITIONAL DISTRICT JUDGE-II,
KASARAGOD**

Typed by : Jyothi.P
Compared by : Unnikrishnan

Fair Common Order in

I.A.No.3/2025, I.A.No.4/2025
and I.A.No.5/2025 in
LAR.No.20/2023
Dated: 29.09.2025