

IN THE COURT OF THE IV ADDL. DISTRICT JUDGE, KOZHIKODE
Present:- Sri.Pradeep P, B.com, LLB., III Addl. Motor Accidents
Claim Tribunal/
IV Addl. District Judge
Monday, on the 16th day of March, 2026
OP No. 46/2022

Between:-

The Special Deputy Collector & Competent
 Authority,
 Land Acquisition, NH-66, Kozhikode.

Petitioner

And:-

- 1 Meera Mepramkutty,
 aged 68 years, W/o (L) Vijayan, Residing at
 Flat No.III(E) Nadagokul Appartment,
 Thiruvangad, Thalassery.
- 2 Kunhiraman, aged 70 years, S/o Kanaran,
 Ponnari, Iringal.
3. Vijayan, aged 60 years, S/o Kanaran,
 Manayangott (H), Iringal.
4. Nalini, aged 58 years, W/o Kunhiraman,
 Ponnari, Perumalpuram,
5. Radha, aged 55 years,
 W/o Karunan, Paroli, Purakkad, Pallikkara.
6. Murali, aged 54 years, S/o Kanaran,
 Manayangott (H), Iringal.
7. Anitha, aged 53 years, W/o Damodharan,
 Eravathmeethal (H), Elambilad, Maniyur.
8. Sunil Kumar, aged 52 years, S/o Kanaran,
 Manayangot(H), Iringal (P.O.)

Respondents

9. Meenakumari, aged 62 years, W/o Krishnan, Thekkemanayangot (H), Iringal (PO).
10. Sajna, aged 45 years, D/o Krishnan, Meethale Manayangot (H), Iringal (P.O.)

This petition coming on 17th day of February, 2026 for final hearing before me in the presence of Sri.Santhosh.K. Additional Govt. Pleader advocate for petitioner and Sri. Joy Abraham advocate for R1 and Sri. P.P. Hashick, Sri. Suhas and Sri. Sanoop.P.M. Advocates for R2 to R10 and having stood over to this day for consideration, the court passed the following:-

ORDER

1. This is a reference made under section 3(H)(4) of the National Highway Act, 1956, (hereinafter referred to as 'the Act') by the competent authority.

2. The contentions in the reference application are as follows: The Special Deputy Collector (Land Acquisition) National Highway-66, Kozhikode has been appointed to perform the functions of the competent authority for the acquisition of land for the development of National Highway-66 in Iringal, Payyoli, Tikkodi, Moodadi, Changottukavu and Chemanchery villages of Koyilandy taluk. Notification under section 3 (A) of the Act was published in the Gazette No. SO-2759(E) dated 08.12.2011 and the notification

under section 3(D) of the Act was published in the Gazette as SO-2855 (E) dated 07.12.12 and the notification under Section 3G(3) was also published as laid down in National Highway Act, 1956. In response to 3(G)3 notification, nobody has produced documents to prove the right on the property having an extent of 0.0040 hectare of land in RS No. 77/5A (New 77/5A) of Irinjal Village. In response to 3(E)(1) notice issued by the competent authority, Smt. Meera, wife of L. Vijayan, produced Document No. 1850 of 1995 of SRO, Payyoli and contended that out of the acquired property, she was the owner in possession of 0.0280 hectare of land in RS. 77/4 (New 77/15) of Irinjal Village but as per the approved DVS no land has been apportioned in the name of Smt.Meera in R.S No.77/4 (New 77/15) of Irinjal Village in Irinjal Desom. Then she raised a dispute regarding the boundary with the adjacent land owners in LAC136/17, LAC 137/17 and LAC 139/17. In view of the dispute regarding the boundary, the Special Revenue Inspector concerned verified the field in the presence of landowners with documents and official records. He reapportioned the area on the basis of the boundary they had shown in the field but the parties were not satisfied with the reapportioned area as well. So, the dispute subsists. In the above circumstances, the compensation determined could not be dispersed. In the meanwhile, Smt. Meera had filed a

Writ Petition before the Hon'ble High Court. In the said petition, the Hon'ble High Court directed to refer the dispute for adjudication under Section 3(H)(4) of the National Highways Act. The other claimants are the claimants in LAC 136/17 and 139/17 and 137/17. The total amount of compensation arrived at by the competent authority is ₹4,52,919/-.

3. On notice, the claimant No.1 filed statement contending that the property in the ownership and possession of this respondent was acquired for the purpose of National Highway. At the time of the acquisition, in the detailed valuation statement relating to the property acquired from this respondent, names of Vijayan and others were shown as the landowners wrongly and directed them to produce the title documents to prove their title over the said property but they could not produce any title document. While so, this respondent No.1 intimated the Land Acquisition Authority that she is the owner of the acquired property and claimed the compensation amount. The Land Acquisition Authority stated that there is dispute between the parties and the compensation amount was deposited in the name of Principal Civil Court at Kottak Mahindra Bank. The property acquired in the case belonged to this respondent by virtue of Document No. 1850 of

1995 of SRO, Payyoli and contended that she was in possession of 0.0280 hectare of land in R. S. 77/4, (New 77/15) of Iringal Village.

4. The claimants No.2 to 10 contended that the Government of India under section 3A of National Highway Act, 1956 acquired land comprised in various survey numbers including RS No.75/5A (New RS No.77/5A) of Iringal Village for National Highway. They further contended that the case in the reference that nobody has produced any document as to the property comprises in RS No. 77/5A as to 0.0040 hectare is untrue. These respondents No.2 to 9 appeared before the competent authority with all documents but he was not ready to accept the document and the claim raised by these respondents. The respondent No. 1 has no property in the locality. She failed to produce any document to substantiate her claim. The property owned by these respondents is covered by Document No. 2688/20 of SRO Payyoli which was in their possession. The Land Acquisition Authority wrongly recorded that 0.0004 hectare of land mentioned in the valuation statement is in the name of respondent No.1. As per the approved DIS, no land is apportioned in the name of Smt. Meera in Resurvey No. 77/ 4 (New No. 77/15). Recently an extent of 0.0004 hectare of land is apportioned in the name of respondent No. 1 in collusion with the

revenue officers. So, the respondent No. 1 has no right to get the compensation amount.

5. On the side of claimant No.1, RW1 was examined and Exts.B1 to B8 were marked. On the side of claimants No.2 to 10, claimant No.2 was examined as RW2 and Exts.B9 to B13 were marked.

6. Heard.

7. The point for determination is:

How should the amount in deposit be apportioned among the claimants?

8. **The point:-** Admittedly, the property acquired in the case comprises in RS No.77/5A and the total amount of compensation deposited in the name of this court is ₹4,52,919/-. The respondent No.1 in proof affidavit contended that the property having an extent of 0.0251 H comprised in RS 77/4(New 77/5) belonged to her by virtue of item No. 4 of F schedule of Ext.B1 Partition deed No.1850 of 1995 of SRO, Payyoli was acquired from her ownership and possession. So, she claims that she is entitled to get the compensation deposited in this court. The respondent No.1 relied on Ext.B1 partition deed, Ext.B2 possession certificate issued by Iringal Village Office, Ext.B3 possession and non-attachment certificate issued by Iringal Village Office, Ext.B4 tax receipt issued

by Village Office, Exts.B5 to B7 Encumbrance Certificates issued from Payyoli Sub Registrar Office and Ext.B8 statement made before Tahsildar by the respondent No.1.

9. The respondent No.2, by filing proof affidavit contended that, Re-survey No. 77/5A involved in the acquisition is a new survey number and that is actually Survey No.77 of 15 as the same was a mistake committed by Village Office and that the respondent No.1 has no property near the acquired property and that the acquired property is exclusively owned by the respondents No.2 to 10 and that before the acquisition of 0.0004 hectare of land comprised in Resurvey No.77/5A, notice was issued to the claimants No.2 to 10 and that subsequently, by falsification of the documents the respondent No.1 raised a claim over the compensation amount and that the respondent No.1 has no property in Resurvey 77/5A and that as per the DVS prepared in the year 2012, the respondent No.1 has no property in said survey. They further claimed that the property claimed to be that of the respondent No.1 lies on the immediate east of the National Highway and that by virtue of Document No.2064 of 1942, the father of the respondent No.1 has not got any property lies on the west of the National Highway and that the property as per the partition deed relied on by the respondent No.1 comprises in Resurvey 163/1 and that the

documents now produced by the respondent No.1 are fabricated documents and that the respondent No.1 has no document prior to 2020 and that the acquired property in the case belonged to the respondents No.3 to 10, as per Deed No.2313/2010 of Payyoli Sub Registrar and that the Ponari Kunjiraman obtained the property by virtue of Document No.1032 of 1991. They also contended that the Land Acquisition Officer incorrectly reported that the acquired property was in the name of respondent No.1 and that the property owned by the respondent No.1 lies only on the east of the road and that the property acquired in this case belongs to these respondents only. They also relied on Ext.B9 partition deed, Exts.B10 to B12 assignment deeds and B13 partition deed.

10. A careful reading of the evidence on record, along with the statements filed by both sides, shows that the survey numbers stated in their respective title documents do not tally with the survey number of the property acquired in the case. At the same time, the respondent No.1 has produced Ext.B2 possession certificate issued by Irinjal Village Officer relating to property covered by 77/5A and Ext.P3 possession and non-attachment certificate relating to the property covered by Resurvey No.77/ 5A. Ext.B3 proves that though the title document of the respondent No.1 shows that the item No.4 of F-schedule in Ext.B1 lies in

Resurvey No.163/1, it actually lies in Re-survey 77/5 and 77/4 and that the present Resurvey Number is 150/15, 16 and 21. Likewise, Ext.B4 proves that the respondent No.1 has paid tax for the said property. So, the respondent No.1 is able to establish reasonably that she is the owner of the acquired property. Most importantly, though the respondents No. 2 to 10 made a claim that the acquired property belongs to them, they have no material to substantiate the same and they have not also challenged the order of Tahsildar or the consequent issuance of possession certificate or tax receipts. So, the contention raised by the respondents No.2 to 10 relating to Exts.B2 and 4 can only be rejected. Likewise, the claim of respondents No.2 to 10 that Re-survey No. 77/5A is actually Survey No.77/15, in the absence of credible materials, is too difficult to accept. Likewise, the contention of the respondents No.2 to 10 that the property claimed to be that of the respondent No.1 lies on the immediate east of the National Highway is also unworthy of acceptance since a cursory reading of Item No.4 of F-schedule of Ext.P1 partition deed would go to show that such property lies on the immediate west of the National Highway. This fact destroys the substratum of the case of the respondents No.2 to 10 that the respondent No.1 has no property on the immediate west of the National Highway and consequently the property acquired is that of

them. Most importantly, the sketch prepared by the Land Acquisition Officer relating to Survey No.77, 15, 5A and 5B would go to show that the property of respondent No.2 to 10 lies on the immediate west of the property of the respondent No.1. So, the claim made by the respondent No. 2 to 10 should be rejected.

In the result,

The original petition is answered as follows:

1. The amount in deposit i.e ₹4,52,919/- with accrued interest, if any, is ordered to be released to the respondent No.1.

(Dictated to the Confidential Assistant, typed by her, corrected by me and pronounced in the open court, on this the 16th day of March, 2026).

Addl. District Judge-IV

Petitioner's Witness:-Nil

Petitioner's Exhibits:Nil

Witness Respondents side:

RW1	18.07.2025	Mahesh Kumar.K.P., S/o O.Kumaran
RW2	18.10.2025	Kunjiraman S/o Kelappan

Respondents Exhibits:-

B1	12.06.1995	Copy of Partition Deed No.1850/1995 of SRO, Payyoli.
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B2	18.06.2020	Copy of Possession Certificate issued by Iringal Village Office.
B3	18.06.2020	Copy of Possession and non attachment Certificate issued to first respondent by Iringal Village Office.
B4	15.06.2020	Copy of Land Tax receipt issued by Iringal Village Office.
B5	12.06.2018	Copy of Encumbrance Certificate issued by Payyoli sub registrar Office.
B6	23.03.2020	Copy of Encumbrance certificate issued by Payyoli Sub registrar Office.
B7	22.01.2019	Copy of Encumbrance Certificate issued by Payyoli sub registrar Office.
B8	26.06.2020	Copy of statement by first Respondent submitted before Special Tahsildar.
B9	08.01.1975	Partition deed No.59/1975 of SRO, Payyoli.
B10	25.10.1982	Sale deed No.3033/1982 of SRO, Payyoli.
B11	05.04.1991	Sale deed No.1032/1991 of SRO, Payyoli.
B12	23.05.1990	Janmam Assignment deed no.1289/1990 of SRO, Payyoli.
B13	07.07.2020	Partition Deed No.2313/2010 of SRO, Payyoli.

Court Exhibits:- Nil

Addl. District Judge-IV

