

LARR 15/2021:-

C	Indulal K.K, S/o. Late Narayanan Nambiar,] Kudadri, P.O. Chirakkara, Thalassery Taluk	Claimant
	Vs	
1	The Government of Kerala represented by] the District Collector, Kannur.]	Respondents
2	Executive Engineer, PWD, KSTP Division,] Kannur.	
3.	The Special Tahsildar, LA (KSTP)] Thalassery.]	

LARR 36/2021:-

C	Rameshan K, Krishna, P.O. Temple gate,] Thalassery. (Now residing at Krishnasadan, P.O. Olavilam, Chokli.)	Claimant
	Vs	
1	The Government of Kerala represented by] the District Collector, Kannur.]	Respondents
2	Executive Engineer, PWD, KSTP Division,] Kannur.	
3.	The Special Tahsildar, LA (KSTP)] Thalassery.]	

These references coming on the 28th day of March, 2026 for final hearing before me in the presence of S/Sri.Philip K.K and M.J. Johnson, Advocates for the claimant in all cases; of Smt. Jayasree V S., the Additional Government Pleader for the respondents in all cases; and having stood over for consideration till this day; the court passed the following:-

COMMON AWARD

These references are made under section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (hereinafter referred to as 'the Act') by the Special Tahsildar (LA), KSTP, Thalassery on the applications of the claimants seeking enhanced compensation for the acquired immovable properties in Thiruvangad Village, Thalassery Taluk in LAC Nos.50, 58, 59 and 71.

2. In **LARR 13/21**, the 3rd respondent passed the award No.3/2020 dated 21.05.2020 granting compensation of ₹23,83,765/- in respect of the property, 0.00957520 H (2.37 cents) of wet land in Survey No.243/1 (New 243/3) in Thiruvangad Village. In **LARR 14/21**, award No.4/2020 dated 25.09.2020 was passed granting compensation of ₹52,29,951/- in respect of 0.01976158 H (4.88 cents) of wet land in Survey No.252/1. In **LARR 15/21**, award No.4/2020 dated 25.09.2020 was passed granting compensation of ₹29,05,306/- in respect of 0.00881017 H (2.18 cents) of wet land in Survey No.104/3. In **LARR 36/21**, the 3rd respondent passed award No.4/2020 dated 25.09.2020 granting compensation of ₹35,46,366/- in respect of property, an extent of 0.01428822 H (3.53 cents) of wet land in Survey No.243/1.

3. Compensation amounts in all the four references were released to the claimants. On applications filed by claimants under S.64(1), the references were forwarded to this Authority.

4. The common contentions in the claim statements in the above references in brief are as follows: The estimated value for the acquired land and structure by the LAO is too low and insufficient. There are many sale transactions in the same village or near village or near vicinity area of

the acquired land in between 9 lakh to 18 lakh for similar type of land during the time of 11(1) notification or prior to 11 (1) notification. The market value of the acquired land must be the total value of Sec.26 (1) (b) & (2), but the Land Acquisition Officer in its award find that the base value ie., Sec.26 (1) (b) only be taken for calculating 3rd component under Sec.30 (3) and this is in conflict with the most basic norms laid down under Sec.26 of the RFCTLARR Act, 2013 and also against natural justice.

5. Categorization of land as 'A' & B itself is illegal. Basically the Land Acquisition Officer has to categorize the land only as 'A' category of land (garden land with road access). Further reduction to 'A' & 'B' category are also totally illegal and baseless. Garden land in Thiruvangadu village is categorised A category and for wetland in Thiruvangadu village LAO reduced 20% from A category and accordingly land value for Garden and wetland was fixed. Garden land in Eranjoli village is categorised as B category and land value was fixed as value of wet land in Thiruvangadu village. The land value for wet land in Eranholi village was reduced 20% from B category and accordingly land value for Garden and wetland were fixed. Market value under 26 (1) (b) has to be added with 26(2). Instead of following procedural law, LAO took 26 (1) (b) only and neglected to multiply 26(1) (b)× 26 (2). Then, naturally the market value of the land will appear double the amount of 26(1) (b). The procedure adopted to limit the market value only to the extent of 26(2) alone and neglecting the base land value under 26(1) (b) is an improper, irregular and illegal method of calculation.

6. The acquired property has direct road frontage to State Highway near to Erenholi bridge. There are so many institutions like Govt.Schools, Hospitals, Churches, Public markets & Shops, Nationalised Bank branches,

Electricity Office, Post Office, Co-op Banks, hotels, Chonadam town and Chirakkara town are lying within a radial distance of 1 km from the acquired property. Acquired property is situated at Erenholi palam bus stop wherein more than 30 shops, Electricity Office, Juvenile Court and Children's home are situated. Thalasserry New Bus Stand and Railway Station are lying within a radius distance of 1.5 km from the acquired property. The Land Acquisition Officer was grossly mistaken and underestimated while fixing the value of the acquired land. The Land Acquisition Officer has to consider the infrastructure facilities available in and around the acquired property while fixing the market value of the acquired land.

7. Regarding the method of calculation, the contention is that the Land Acquisition Officer had considered document Nos.2741/18, 1348/18, 1600/18, 311/17, 800/17 and 2367/17 and 1315/16, altogether 7 documents for fixing land value. As per criteria laid down by Hon'ble Supreme Court except in the case of current year document 15% annual increase should be taken from the date of sale deed to the date of notification. Hence document No.311/17, 800/17, 2367/17, 1315/16 requires 15% annual increase from its registration date to the date of 11(1) notification. The LAO took the average sale price of the 7 documents instead of taking one half of the highest sale price deeds from the total number of documents as prescribed u/s.26 (1) Explanation II.

8. LAO was grossly mistaken and under estimated the potential of the property while fixing value of the acquired land. LAO omitted to follow procedural law and fundamental principles laid down u/s.26 to 30 and hence claimants are entitled to get enhanced compensation. The claimant is entitled to get the enhanced award as per S. 26 to 30 of

RFCTLARR Act assessing the market value @ ₹24,00,000/- per cent.

9. Additional contentions in LARR 13/21 are as follows: The acquired property is purely garden land cultivated with coconut trees, arecanut trees, mango trees aged more than 40 years. It consists of a well built compound wall constructed with laterite stone and the said plot can be utilised for commercial purpose and it is situated in a thickly populated area of Thalassery Municipality. Hence the claimant is entitled to get compensation of garden land instead of Nancha land. The claimant is entitled to get ₹1,00,000/- for value of improvements and ₹6,00,000/- for value of structure.

10. Additional contentions in LARR 14/21 are as follows: The acquired property is purely garden land cultivated with coconut trees, arecanut trees, mango trees aged more than 40 years. It consists of a well built compound wall constructed with laterite stone and the said plot can be utilised for commercial purpose and it is situated in a thickly populated area of Thalassery Municipality. Hence the claimant is entitled to get compensation of garden land instead of Nancha land. The claimant is entitled to get ₹3,00,000/- as value of structure.

11. Additional contentions in LARR 15/21 are as follows: The acquired property is purely garden land which contains a building bearing No.14/471 and a well built compound wall, house gate with side pillars in Thalassery Municipality constructed in the year 1970. There exists an old house in the remaining property of the claimant bearing No.14/468 of Thalassery Municipality constructed in the year 1965 wherein the claimant and his family members are residing. It is a commercial plot and is a thickly populated area of Thalassery Municipality. Hence the claimant has to get market value of garden land as A category of land. The market value

fixed for the structure is very meagre and insufficient. The acquired property is fertile land having high yielding 2 coconut trees around 40 years, 3 mango trees aged around 50 years. The value estimated for the above improvement is on timber value basis.

12. Additional contentions in LARR 36/21 are as follows: The acquired property is full of bearing and non bearing trees. It is a purely garden land and the same is not included in the data bank and also exempted as per the order No. LLMC/1/3/19-20 dtd. 17.05.2019 by RDO Thalassery. Hence the claimant has to get the market value of garden land as A category land and ₹1,00,000/- as value of improvements.

13. The counter statements of the 1st and 3rd respondents in brief are as follows: The section 4(1) notification was published on 07.07.2018. The preliminary notification u/s.11 (1) of the Act has been published in Kerala Gazette on 13.01.2019. The date of taking possession of the acquired land in LARR 13/21 and 36/21 was on 29.07.2020 and 18.11.2020 respectively. The date of taking possession of the acquired lands in LARR 14/21 and 15/21 is 11.11.2020. Considering whole aspects, the claimants were given fair compensation in accordance with the law. The land value has been approved at the rate of ₹10,94,86,800/- per hectare for Nancha classification and ₹13,68,58,500/- per hectare for garden classification. The market value assessed by the respondent is on a higher side. The demand for enhancement is without any justified reason. The structural value assessed by well qualified engineers of PWD (KSTP) is quite fair and reasonable and there arise no question of enhancement. Since the respondent has already given fair compensation for the land acquired from the possession of the claimants, they are not entitled to get any enhanced compensation.

14. Though Respondent No.2 filed vakalath, no counter was filed.

15. As per order in I.A.No.3/2021 filed in LARR No.14/2021, joint trial of LARR Nos.13/2021, 14/2021, 15/2021 and 36/2021 was allowed. The evidence was recorded in LARR No.14/2021.

16. The claimant in LARR 14/21 was examined as AW1 and Exts.A1 to A8, Ext.C1 were marked on the side of the claimants in all references. RW1 was examined and Exts.B1 to B11 were marked on the side of the respondents.

17. Heard both sides.

18. The following points arise for determination:-

1. Are the claimants in LARR 13/21, 14/21, 15/21 and 36/21 entitled for enhancement of compensation for the lands acquired from them?
2. Are the claimants, whose buildings and other structures were affected because of the acquisition entitled to get enhanced compensation as prayed for ?
3. What is the order to be passed ?

19. **Point No.1:-** The acquisition in these references is for upgradation of Thalassery - Valavupara road. The acquired lands, situated in Thalassery Municipal area, were classified as wet land and the land value

has been fixed at ₹10,94,86,800/- per hectare.

20. The claimants in the references contended that the estimated land value is too low and insufficient, calculation of the compensation is not correct and the compensation awarded is not fair and hence, they are entitled for enhancement. The respondent/District Collector has to determine the market value of the acquired lands in accordance with the provisions of S.26 of the RFCTLARR Act, particularly, S.26(1) (b) which states that the criteria of taking the average sale price for similar type of land situated in the nearest village or nearest vicinity area, whichever is higher, subject to Explanations 1 to 4 and also Sub sections (2) and (3) of the section. As per S.69, this Authority has to analyse whether the Collector has followed the parameters set out in S.26 to 30 of the Act.

21. Counsel for claimants submitted that the method of calculation adopted by the LAO for computation of compensation is against the spirit of section 26 of the Act. Addl. Government Pleader, on the other hand, contended that the already awarded compensation amount is on a higher side and the claimants are not entitled for any enhancement.

22. From the evidence adduced by RW1 as well as the Award Note along with the reference, it can be seen that altogether 25 documents were considered and 18 documents were rejected for various reasons. Details of the 7 documents relied on by LAO for fixation of land value as per the Award Note is as follows:

	Document No.	Sale Price and extent of property	Sale Price per Are
BB4	1600/2018 of SRO, Kadirur 500m	40,00,000/- (0.0405 H)	9,87,654/-
B5	311/2017 of SRO, Thalassery	1,04,80,000/- (0.0836 H)	12,53,588/-
B6	1348/2018 of SRO, Thalassery 2km	70,00,000/- (0.0665 H)	10,52,632/-
B7	1315/2016 of SRO, Thalassery 1.5km	2,20,00,000/- (0.0826H+ Building valued for 1,45,00,000/-)	9,07,990/-
B8	2367/2017 of SRO, Kadirur	75,00,000/- (0.0342H+ Building valued for 35,00,000/-)	11,69,591/-
	(Ext.A3) 800/2017 of SRO Thalassery	1,00,00,000/- (0.0652 H)	15,33,742/-
	(Ext.A7) 274/2018 of SRO Thalassery	1,98,00,000 (0.0729H+ Building valued for 3,00,000/-)	- 26,74,897/-

Total

95,80,094/-

Average sale price per Are as calculated by LAO is as follows :
95,80,094/7 = 13,68,585/-.

23. Exts.B9 to B11 fair value notifications have no relevancy in these references because the fair value of lands fixed for the purpose of registration of documents cannot be considered for fixation of land value under RFCTLARR Act. From the award note it can be seen in order to determine the market value of the acquired garden lands in both the references, the LAO considered the above 7 documents mentioned in the award note and took average of the sale price per Are mentioned in those documents and fixed ₹13,68,585/- as land value for 1 Are for A category property in Thiruvangad and reduced the said value by 20% for B category

(Nancha land) property in Thiruvangad and has fixed land value as ₹10,94,868/- per Are.

24. The following is the compensation fixed by LAO in **LARR 13/2021**.

LAC No.59	CALCULATION STATEMENT	
a) Market value of 0.00957520 H @ 10,94,86,800/- per Hectare		1048358.01
b) Factor by which Market Value is to be Multiplied u/s.26(2)		1
c) i) Value of improvements		0
ii) Value of structures		25649
d) Market Value of land (total axb+c)		1074007.01
e) 100% solatium on (d)		1074007.01
f) Increase on Market Value (a) @ 12% per annum u/s 30(3) on land value from 07.07.2018 to 20.05.2020 for 684 days		235751.30
	Total (d+e+f)	2383765.32
	Rounded to	2383765

25. The following is the compensation fixed by LAO in **LARR 14/2021**

LAC No.71	CALCULATION STATEMENT	
Extent in Hectare: 0.01976158 H		
a) Market value of 0.01976158 H @ 10,94,86,800/- per Hectare		2163632.16
b) Factor by which Market Value is to be Multiplied u/s.26(2)		1
c) i) Value of improvements		8104
ii) Value of structures		154439
d) Market Value of land (total axb+c)		2326175.16
e) 100% solatium on (d)		2326175.16
f) Increase on Market Value (a) @ 12% per annum u/s.30(3) on land value from 07.07.2018 to 25.09.2020 for 812 days		577600.87
	Total (d+e+f)	5229951.19
	Rounded to	5229951.00

26. The following is the compensation fixed by LAO
in **LARR 15/2021**

LAC No.50	CALCULATION STATEMENT	
a) Market value of 0.0081017 H @ 10,94,86,800/- per Hectare		964597.32
b) Factor by which Market Value is to be Multiplied u/s.26(2)		1
c) i) Value of improvements		4217
ii) Value of structures		355085
d) Market Value of land (total axb+c)		1323899.32
e) 100% solatium on (d)		1323899.32
f) Increase on Market Value (a) @ 12% per annum u/s.30(3) on land value from 07.07.2018 to 25.09.2020 for 812 days		257507.84
	Total (d+e+f)	2905306.48
	Rounded to	2905306.00

27. The following is the compensation fixed by LAO in
LARR 36/2021

LAC No.50	CALCULATION STATEMENT	
a) Market value of 0.01428822 H @ 10,94,86,800/- per Hectare		1564371.49
b) Factor by which Market Value is to be Multiplied u/s.26(2)		1
c) i) Value of improvements		0
ii) Value of structures		0
d) Market Value of land (total axb+c)		1564371.49
e) 100% solatium on (d)		1564371.49
f) Increase on Market Value (a) @ 12% per annum u/s.30(3) on land value from 07.07.2018 to 25.09.2020 for 812 days		417622.89
	Total (d+e+f)	3546365.87
	Rounded to	3546366.00

28. In RFCTLARR Act, as per Explanation 2 to S.26(1) for determining the average sale price referred to in Explanation 1, one half of the total number of sale deeds or agreements to sell in which the highest sale price has been mentioned shall be taken into account. From the available records it can be seen that the land value was fixed taking into consideration the average of all the 7 documents taken by the LAO. The LAO ought to have taken one half of the above 7 documents which have shown the highest sale price. But, instead of it, the LAO had taken the average sale price per Are of all the 7 documents which is a clear violation of the mandate under Explanation 2 of S. 26(1) of the Act. So it is well clear that the award passed by the respondent is not in accordance with the law. So the calculation of land value by the LAO is not at all proper and resultantly, the compensation fixed by LAO is not at all correct.

29. As per S.30(3) of the Act, in addition to the market value of the land provided under S.26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent per annum on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study under sub-section (2) of S.4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

30. In LARR 13/21, the land value for 0.00957520 H calculated @ ₹10,94,86,800/- per Hectare is ₹1048358 and interest @12% was calculated on the above land value only. The same method was followed in the other three references also. But, the Hon'ble High Court in **State of Kerala v. V.J Mathew (2024 (3) KHC 413)** has held that the 12% increase referred to in S.30(3) includes market value and the structure as well. But, while passing awards the LAO has calculated 12% increase on the market value without including the value of structures and

improvements in all these four references. So the above calculations based on incorrect sale price, the fixation of market value of the acquired lands and calculation of interest u/s.30(3) are totally wrong. So the impugned awards are found to be incorrect and not in accordance with Sec.26 of the Act. So, interference is necessary in respect of the awards passed in all the four references.

31. Now, the contention of the claimants that Exts.A1 to A7 documents ought to have been considered by the LAO for determining the market value of the acquired property requires consideration. The claimants contended that LAO has considered Exts.B3 to B8 which have no similarity to the acquired lands and were of lesser value and based on those inappropriate documents, the LAO fixed basis land value, which resulted in fixation of incorrect market value for the acquired properties that too by violating the mandates of section 26 of the Act. Counsel for the claimants argued that the respondent had purposefully avoided Exts.A1 to A7 documents wherein higher consideration is reflected. According to the counsel for the claimants, LAO ought to have considered Exts.A1 to A7 documents which are sale deeds of lands similar in nature as that of the acquired lands. Relying on the same, they contended that the market value of the property should be assessed at ₹24,00,000/- per cent. On the other hand, the Addl, Government Pleader defended the awards arguing that adequate compensation has already been given to the claimants and that no interference by this Authority with the award is warranted.

32. The details of Exts.A1 to A7 are as follows:-

Ext. No	Document No. (SRO, Thalassery)	Sale price and extent of property	Village	Approx. distance from acquired land as per C1 report	Value per Are
A1	527/2015 (24.03.2015)	3,30,00,000/- (2.14 Ares)	Thalassery	3 km	2718286.7
A2	1433/2015 (03.09.2015)	1,26,00,000/- (2.84 Ares)	Thiruvangad	2 km	4436619.72/-
A3	800/2017	40,00,000/- (3.42 Ares)	Thiruvangad	300 m	1533742.33/-
A4	1080/2020 (28.07.2017)	1,62,00,000/- (1.62 Ares)	Thiruvangad	2 km	7211956.52/-
A5	1081/2017 (28.07.2017)	35,00,000/- (1.42 Ares)	Thalassery	2 km	2535211.27/-
A6	1082/2017 (28.07.2017)	49,99,800/- (2.02 Ares)	Thalassery	2 km	27776666.7/-
A7	274/2018 (22.02.2018)	1,98,00,000/- (7.29 Ares)+ Building valued for 3,00,000/-	Thalassery	3 km	26,74,897/-

Exts.A3 and A7 are the same document Nos.800/2017 and 274/2018 relied on by the respondents also.

33. The question now is whether these documents can be relied on for fixation of the market value of the acquired lands as contended by the claimants. The Advocate Commissioner inspected the acquired properties, Exts.A1 to A7 properties and the basic lands relied on by the LAO. In Ext.C1 report the Advocate Commissioner reported that the acquired properties in these references are situated on the border of Thalassery Municipality and the acquired lands in LARR 13/21, 14/21 and 36/21 are on the western side of the existing State Highway (Thalassery-Coorg road) and the acquired land in LARR 15/21 is on the eastern side of the said State Highway. It is reported that the acquired lands are seen as a tar road- used as a service road of the Eranholi bridge. As per Ext.C1

report, the remaining adjacent lands are garden lands and in LARR 15/21 there is a 2 storied house also in the remaining unacquired portion of the land of the claimant.

34. It is also reported that the acquired properties are lying within 1500 meters of Thalassery town and railway station and are situated in a commercially developed area. It is also reported that it is a residential area and there are many shops, small scale industries, schools and supermarkets within 500 meters of the acquired properties. Government Children's aftercare juvenile Justice Court, KSEB Thalassery South Section Office, Eranholi post office, Cashew Development Corporation and processing Industry, Government Fisheries Centre and TATA Heavy VIndustrial Workshop are lying in the vicinity of the acquired properties. KINFRA Industrial Park, RUBCO Industry and RTO office Thalassery are lying within a radius of 1.5 km from the acquired properties.

35. In Ext.C1 report, Advocate Commissioner has reported that the property in Ext.A1 assignment deed No.527/15 is situated 200 m from Holloway road, Thalassery behind Josgiri Hospital and it has only 3 feet wide road access on western and southern sides of the property from Holloway road. Advocate Commissioner also reported that property in Ext.A2 assignment deed No.1433/2015 is situated on the western side of AVK Nair road with a three storied building wherein Bajaj Showroom is functioning on the ground floor.

36. Proviso to S.26(1) states that the date for determination of market value shall be the date on which the notification has been issued u/s.11. Explanation 1 states that the average sale price referred to in Clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity

area during immediately preceding 3 years of the year in which such acquisition of land is proposed to be made.

37. Counsel for the claimants relied on the decision of Hon'ble High Court in **Krishi Utpadan Mandi Samithi v. Bipin Kumar and Another (2004 KHC 429) and Joy C P v. Spl. Thasildar (2025 KHC Online 1516)** and argued that Exts.A1 and A2 sale deeds which show a higher sale price have to be accepted and as those documents were of the year 2015, 15% annual increase has to be given for fixation of land value. When sale deeds of the prescribed period for similar type of lands are available, there is no reason to accept Exts.A1 and A2 which are documents executed beyond the prescribed period. Certainly, if there are no sale deeds of the near area or vicinity area during the preceding three years from the date of acquisition, Exts.A1 and A2 sale deeds would become relevant. Moreover, from Ext.C1 Commission report it can be seen that properties covered by Exts.A1 and A2 are not similar type of lands as the acquired lands which are residential garden lands lying by the side of Thalssery-Coorg State Highway. So the available evidence shows that properties in Exts.A1 and A2 are not similar types of lands as the acquired lands and are not executed within the prescribed period of 3 years prior to S.11 (1) Notification. Therefore, Exts.A1 and A2 are not accepted in view of Explanation-1 to section 26 (1) of the Act.

38. As per Ext.C1 report, the property covered by assignment Deed No.800/17 (Ext.A3) is on the western side of Thalssery-Coorg State Highway and Eranholi new bridge. It is also reported that properties in Exts.A4 to A6 are situated behind Brennen School, Thalassery and there is a Municipal road on the western side of properties covered by Exts.A5 and A6. Advocate Commissioner has reported that property covered by deed

No.274/18 (A7) is lying on the western side of Holloway road wherein a dental Clinic of Josgiri hos[ital is functioning. In Ext.C2 Advocate Commissioner reported that document Nos.800/17 and 274/18 are relied upon by both claimants and the respondents and that remaining basic lands of claimants and the respondents are not very close to State Highway or main road.

39. As per Ext.C1 report, the property in Ext.B4 (deed No.1600/18) is 500 metres away from the acquired lands and 100 metres away from Thalassery -Coorg road and is bounded on the eastern side by a panchayat road. It is reported that the property in Ext. B5 (Deed No.311/17) is on Cheetamkunnu road about 2 km from the acquired lands with a road on its northern side. As per Ext.C2 report property covered by Deed No.1348/18 (Ext.B5) is situated in Chettamkoon 1 km away from National Highway and approximately 2km away from the acquired properties with Municipal road on its eastern and southern boundaries. In Ext.C1 report it is reported that property in Ext.B7 (deed No.1315/16) is on Good Shepherd road by the side of Mission Hospital, Thalassery with eastern boundary as Municipal road and the property is about 1.5 km away from the acquired properties. It is reported that deed No.2367/17 (Ext.B8) is situated about 1 km away from acquired properties towards Kuthuparamba side and the property is about 50 m away from Thalassery - Coorg road and its western boundary is a panchayath road.

40. The Advocate Commissioner in Ext.C1 report has stated that document Nos.800/17 and 274/18 are relied on by both the claimants and respondents and except the property in Deed No.800/17, none of the other properties are lying by the side of PWD road or any main roads. It is also reported that all the basic lands relied by LAO are away from main road and

State Highway and the basic lands relied by LAO are not similar or similarly situated lands compared with the acquired lands. So from the discussion of the available evidence, it is evident that the above mentioned properties in Exts.B4 to B8 cannot be considered as properties of a similar type as of the acquired lands.

41. Counsel for the claimants submitted that Exts.A1, A2 and A7 have to be considered as sale deeds of similar type for the purpose of fixation of land value. From discussion in paragraph No.37 it is already found that properties in Exts.A1 and A2 are not properties of a similar type as that of the acquired lands which are lying by the side of Thalssery-Coorg State Highway and hence they cannot be accepted as exemplars for fixation of land value. In the circumstance, Ext.A3 and A7 properties relied by both claimants and the respondents have to be considered as properties of similar type as that of the acquired properties and the land value has to be assessed as prescribed under S.26 of the Act.

42. As per Explanation No.2 of section 26 (1), for determining the average sale price referred to in *Explanation 1*, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account. Out of the two documents which are found to be of similar type, document No.274/2018 has the higher sale price and hence the land value has to be assessed on the basis of Ext.A7 sale deed.

43. The total sale price shown in the document is ₹1,98,0000/- for 7.29 Ares with building (price of the building is separately given as ₹3,00,000/-). So the sale price per Are is fixed as ₹26,74,897/-.

44. According to LAO, the acquired lands are wet lands and hence land value has been fixed with a lesser value by reducing 20% of the value fixed for garden lands. Ext.C1 report clearly shows that all the acquired lands are garden lands situated on the border of Thalassery Municipality. So the multiplication factor by which the market value has to be multiplied is 1. Admittedly, the date of taking possession of the acquired lands in LARR 14/2021 and LARR 15/2021 is 11.11.2020. The date of taking possession of the acquired lands in LARR 13/2021 and LARR 36/2021 are 29.07.2020 and 18.11.2020 respectively. S.4(2) Notification is on 07.07.2018 and the awards were passed on 21.5.20 in LARR 13/21 and on 25.09.2020 in the other three references. That being so, the LAO ought to have granted compensation as follows:-

LARR 13/2021

0.00957520 (2.37 cents):	H	(a) Land value $0.00957520 \text{ H} \times 26,74,897$ per Are	2561267.37 Rounded to 2561267
		(b) factor to be multiplied	1
		(c) Value of structure	25649
		(c) Value of improvements	0
		Market value of land (axb+c)	2586916
		100% solatium	2586916
		12% additional increase from 07.07.2018 to 21.05.20 (684 days)	581737
		Total	5755569
		Already paid amount	2383765
		Balance to be paid	3371804

LARR 14/2021

<u>0.01976158</u> H <u>(4.88 cents)</u>	Land value 0.0197615 8 H x26,74,897 /-per Are	5286019
	(b) Factor to be multiplied	1
	(c) Value of improvements	0
	(c) Value of structure	154439
	Market value of land (axb+c)	5440458
	100% solatium	5440458
	12% additional increase from 07.07.2018 to 25.09.20 (812 days) =	1452379
	Total	12333295
	Already paid amount	5229951
	Balance to be paid	7103344

LARR 15/2021

0.00881017 (2.18 cents):	H	(a)Land value 0.00881017 H x 26,74,897/- per Are	2356629.7 Rounded to 2356630
		1. Factor to be multiplied	1
		(c) Value of structure	355085
		(c)Value of improvements	0
		Market value of land (axb+c)	2711715
		100% solatium	2711715
		12% additional increase from 07.07.2018 to 25.09.20 (812 days)	723916
		Total	6147346
		Already paid amount	2905306
		Balance to be paid	3242040

LARR 36/2021

0.01428822 (3.53 cents):	H	(a)Land value 0.01428822 H x 26,74,897/- per Are	3821951.6 Rounded to 3821952
		(b) Factor to be multiplied	1
		(c) Value of structure	0
		(c)Value of improvements	0
		Market value of land (axb+c)	3821952
		100% solatium	3821952
		12% additional increase from 07.07.2018 to 25.09.20 (812 days)	1020304
		Total	8664208
		Already paid amount	3546366
		Balance to be paid	5117842

So the claim for enhancement of compensation of claimants in LARR 13/2021, 14/2021, 15/2021 and 36/2021 are allowed. Point No.1 is found

in favour of the claimants.

45. **Point No. 2 :** Though the claimants raised a contention in the claim statement that the LAO had given meager compensation for improvements and structure and the valuation of improvements and structure is not proper, no evidence is adduced on the point. Hence, point Nos 2 is found against the claimants.

46. **Point No.4:** Based on the findings on point No.1, The above said references are answered as follows:-

1. The Special Tahsildar (LA), KSTP, Thalassery is directed to deposit to the account of this Authority an additional compensation of **₹33,71,804/- (Rupees Thirty three lakh seventy one thousand eight hundred and four only) in LARR 13/21** with interest at the rate of 9% per annum for a period of one year from 29.07.2020, the date on which possession of the acquired property was taken and thereafter at 15% per annum till the amount is deposited before this authority.

2. The Special Tahsildar (LA), KSTP, Thalassery is directed to deposit to the account of this Authority an additional compensation of **₹71,03,344/- (Rupees Seventy one lakh three thousand three hundred and forty four only) in LARR 14/21** with interest at the rate of 9% per annum for a period of one year from 11.11.2020, the date on which possession of the acquired property was taken and thereafter at 15% per annum till the amount is deposited before this authority.

3. The Special Tahsildar (LA), KSTP, Thalassery is directed to deposit to the account of this Authority an additional compensation of **₹32,42,040/- (Rupees Thirty two lakh forty two thousand and forty only) in LARR 15/21** with interest at the rate of 9% per annum for a period of one year from 11.11.2020, the date on which possession of the acquired property was taken and thereafter at 15% per annum till the

amount is deposited before this authority.

4. The Special Tahsildar (LA), KSTP, Thalassery is directed to deposit to the account of this Authority an additional compensation of **₹51,17,842/- (Rupees Fifty one lakh seventeen thousand eight hundred and forty two only) in LARR 36/21** with interest at the rate of 9% per annum for a period of one year from 18.11.2020, the date on which possession of the acquired property was taken and thereafter at 15% per annum till the amount is deposited before this authority.

5. On depositing the above said amounts, the claimants are entitled to make applications for releasing the said amounts in the ratio by which the LAO apportioned the amounts.

6. On failure to deposit by the Special Tahsildar (LA), KCRIP, Thalassery, the claimants can execute the award as per law.

7. The claimants are entitled to get the proportionate costs.

(Dictated to the Confidential Assistant, typed by her, corrected by me, and pronounced in open Court on this the 7th day of April, 2026).

THE LAND ACQUISITION, REHABILITATION
AND RESETTLEMENT AUTHORITY
(ADDITIONAL DISTRICT JUDGE- II)

Claimant's Exhibits:-

- | | | |
|----|------------|--|
| A1 | 24-03-2015 | Certified copy of Jenmem Assignment deed No. 527/2015 of SRO, Thalassery. |
| A2 | 03-09-2015 | Certified copy of Jenmem Assignment deed No. 1433/2015 of SRO, Thalassery. |
| A3 | 01-06-2017 | Certified copy of Jenmem Assignment deed No. 800/2017 of SRO, Thalassery. |
| A4 | 28-07-2017 | Certified copy of Jenmem Assignment deed No. 1080/2017 of |

- SRO, Thalassery.
- A5 28-07-2017 Certified copy of Jenmem Assignment deed No. 1081/2017 of SRO, Thalassery.
- A6 28-07-2018 Certified copy of Jenmem Assignment deed No. 1082/2017 of SRO, Thalassery.
- A7 22-02-2018 Certified copy of Jenmem Assignment deed No. 274/2018 of SRO, Thalassery.
- A8 19-01-2019 Copy of Kerala Gazette Notification(Subject to proof)

Respondent's Exhibits:-

- B1 19-01-2019 Kerala Gazette Notification.
- B2 09-07-2019 Basic Land value determination report
- B3 21-03-2024 Adangal Record.
- B4 18-08-2018 Certified copy of document No. 1600/18 of SRO, Kathirur.
- B5 08-03-2017 Copy of document No. 311/2017 of SRO, Thalassery.
- B6 13-09-2018 Copy of document No. 1348/2018 of SRO, Thalassery.
- B7 04-08-2016 Copy of document No. 1315/2016 of SRO, Thalassery.
- B8 16-12-2017 Copy of document No. 2367/2017 of SRO, Kathirur.
- B9 06-03-2010 Kerala Gazette Notification.
- B10 30-04-2019 Kerala Gazette Notification.
- B11 25-03-2023 Kerala Gazette Notification.

Court Exhibit:

- C1 06-10-2022 Report submitted by Smt. Nikhila Anilkumar, Advocate commissioner.

Claimants' Witness:-

AW1 : Chembon Dineshan

Respondent's Witness :-

RW1 : Tiswin T.M

Sd/-

THE LAND ACQUISITION, REHABILITATION
AND RESETTLEMENT AUTHORITY
(ADDITIONAL DISTRICT JUDGE- II)

(True copy)

THE LAND ACQUISITION, REHABILITATION
AND RESETTLEMENT AUTHORITY
(ADDITIONAL DISTRICT JUDGE- II)

bkm/

Fair/Copy of Common Order in
LARR No.13/2021, 14/21, 15/21 & 36/2021
Dated: 07-04-2026.