

IN THE LAND ACQUISITION, REHABILITATION AND RESETTLEMENT
AUTHORITY, THALASSERY

(ADDITIONAL DISTRICT COURT-II, THALASSERY)

Present: Titty George, The Land Acquisition, Rehabilitation and
Resettlement Authority, Thalassery (Additional District Judge-II)

Wednesday, the 18th day of March, 2026, 27th Phalguna, 1947

LARR No. 62/2025

(LAC.No. 455/23 of Award No. 01/2023 dated 11-04-2023)

- | | | | |
|-----|---|---|-------------|
| C1 | Pulikkal Maryodan Ramani, Prathibha, Edayannur.P.O |] | |
| C2 | Pulikkal Maryodan Nalini, Sreeragam, Muttannur,
Pattannur.P.O. |] | Claimants |
| C3 | Pulikkal Maryodan Muraleedharan, Melekkandy Veedu,
Muttannur, Pattannur.P.O. |] | |
| Vs. | | | |
| 1. | The Government of Kerala represented by the
District Collector, Kannur. |] | |
| 2. | MD, KINFRA, Trivandrum. |] | Respondents |
| 3. | The Special Tahsildar, LA KINFRA Mattannur. |] | |

This reference coming on 12th day of March, 2026 for final hearing before me in the presence of Sri.P.M.Sreejith and Smt.Shaniya.P Advocates for the claimants; ;of Smt. Jayasree V.S, Addl. Govt. Pleader for the respondent Nos.1 and 3; and of Sri .P.U.Shailajan, Advocate for the 2nd respondent;and having stood over for consideration to this day, the court passed the following:-

AWARD

This is a reference made by the Land Acquisition Officer and Special Tahsildar (LA) KINFRA, Mattannur u/s.77(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the RFCTLARR Act).

2. The reference relates to the acquisition of 0.0436 H of land in Resurvey 183/4 Kodolipram desom, Pattannur Village, Thalassery Taluk which was acquired for the formation of Industrial Park. Enquiry notice u/s.21 of the RFCTLARR Act was issued to the claimants. Compensation for the acquisition of land as per Award No.1/2023 in LAC 455/2023 is **₹2,98,69,726/- (Rupees Two crore ninety eight lakh sixty nine thousand seven hundred and twenty six only)**. As per sketch and mahazar prepared, the extent of land in this holding is 0.6911 H. As the parties have not produced any documents for the excess of 0.0436 H of land, the land acquisition Officer is not in a position to award the compensation of land to the claimant directly. No one else including the adjoining land owners have not put forth any claim over the excess land. Hence, the reference.

3. The claimants No.1 to 3 jointly filed claim statement stating that acquired land along with larger extent of land originally belonged to Thanicheri Kunnath Kunjumbidukka Achuthan Nambiar & Thanicheri Kunnath Kunjumbidukka Narayanan Nambiar by virtue of Kuzhikanam Assignment Deed 138/1957 of SRO Irikkur. Narayanan Nambiar died on 25.06.1970 leaving his wife Thenisherry Veetil Saudamini Amma and his son Thenisherry Veetil Rameshan as his legal heirs. Then Thanicheri Kunnath Kunjumbidukka Achuthan Nambiar and T.V. Saudamini Amma obtained jenmam right over the acquired land along with the larger extent of land by virtue of Purchase Certificate 12720/1977 of Kuthuparamba Land Tribunal No.1. Later, Achuthan Nambiar gifted his undivided right over the property in favour of his children Pulikkal Mariyoddan Remani, Pulikkal Mariyoddan Nalini & Pulikkal Mariyoddan Muraleedharan by virtue of Settlement Deed 1028/1986 of SRO, Irikkur. There by Thenisherry Veetil Soudamini Amma, Thenisherry Veetil Rameshan, Pulikkal Mariyodan Remani, Pulikkal Mariyodan Nalini & Pulikkal Mariyoddan Muraleedharan became the joint owners of the property. After alienating a portion of the property, the said co-owners partitioned the property vide Partition Deed 2701/2007 of SRO Irikkur. The acquired land is Item No 2 of the said Partition Deed allotted to the share of Pulikkal Mariyodan Remani, Pulikkal

Mariyodan Nalini & Pulikkal Mariyoddan Muraleedharan. The Special Tahsildar (LA) KINFRA Mattannur acquired 0.6911 hectare of land for the purpose of construction of KINFRA Industrial Park and compensation amount was deposited before this Court. Since the land was not physically measured before the execution of the deed, the extent of land was shown in the schedule of the deed as 0.6475 H instead of 0.6911H of land. The claimants and their predecessors owned and possessed the above mentioned 0.06911H of land within well defined boundary for the last 30 years. This property has been acquired from the possession of these claimants and the claimants alone are entitled to the compensation amount deposited before this Court. There are no rival claimants also. Hence it is prayed to pass an order for dispersing the compensation amount of Rs.2,98,69,726/- to these claimants.

4. Memo of appearance is filed by the 1st and 3rd respondents. The 2nd respondent filed vakalath, but did not file any counter. The 3rd respondent filed counter statement reiterating the facts in the reference.

5. Exts.A1 to A10 and Exts.C1 and C1(a) were marked on the side of the claimants. One witness was examined on the side of respondents as RW1. No documents marked on the side of the respondents.

6. Heard both sides.

7. Following points arise for determination:-

(i) Whether the claimants 1 to 3 are entitled to get the compensation amount in deposit in the reference?

(ii) What is the proper order to be passed?

8. **Point No.(i):-** The only question to be decided is whether the claimants have title and possession over 0.1144 H comprised in ReSy.183/4 of Kodolipram desom in Pattannur Village which was acquired by the Land Acquisition Authority. Ext.A1 is the Partition Deed 2701/2007 of SRO Irikkur executed by Thenisherry Veettil Soudamini Amma, Thenisherry Veettil Rameshan, Pulikkal Mariyodan

Remani, Pulikkal Mariyodan Nalini & Pulikkal Mariyodan Muraleedharan in respect of property in RS 183/1 of Pattanur village. From Ext. A1 it is seen that item No.2 in the said deed, an extent of 64.75 Ares in RS 183/1 of Pattannurvillage was jointly allotted to Pulikkal Mariyodan Remani, Pulikkal Mariyodan Nalini & Pulikkal Mariyodan Muraleedharan. Ext.A2 is the Settlement Deed 1028/1986 of SRO, Irikkur executed by Thanicheri Kunnath Kunjumbidukka Achuthan Nambiar gifting his undivided right over 5.24 H in RS 183/1 in favour of his children Pulikkal Mariyodan Remani, Pulikkal Mariyodan Nalini & Pulikkal Mariyodan Muraleedharan. Ext.A3 is certified copy of Purchase Certificate No.12720/1977 of Kuthuparamba Land Tribunal No.1 in respect of Thanicheri Kunnath Kunjumbidukka Achuthan Nambiar and T.V.Saudamini Amma for an extent of 5.2347H in RS 183/1 of Koodali village. Ext.A4 and A5 are the tax receipts and possession and non-attachment certificate in the name of claimants No.1 to 3 issued by the Village officer, Pattannur in respect of 0.6475 H in ReSy.No.183/149. From Ext.A6 Thandaper account in the name of claimants No.1 to 3 it can be seen that 0.6475 H of property in RS.183/149 was last transacted from RS 183/1. As per Ext.A7 there is no encumbrance over the property during the period of 01.01.1993 to 31.01.2023. Ext.A8 is the true copy of Form No.2(a) Award notice issued by Special Tahsildar (LA) KINFRA, Mattannur to the claimants 1 to 3. Ext.A9 is the notice of taking over possession of the land in LAC No.455/2023 issued to the claimants 1 to 3 by the Special Tahsildar (LA) KINFRA, Mattannur dated 25.05.23 Ext.A10 is the true copy of sketch of acquired property in RS 183/4 for an extent of 0.6911 H wherein the claimants are shown as the persons in possession.

9. The Advocate Commissioner inspected the acquired property and reported that the acquired property is an extent of 0.6911 H of land in RS 183/4 (as per village records 183/149) with improvements situated at Pattannur amsom Kodolipram desom, Thalassery Taluk. It is also reported that the acquired land

with an extent of 0.6911H is having clear demarcating old boundaries on all four sides. As per the report , the northern boundary is made with wild stone (Kaattukallu), the southern side of the property is a mud road, eastern boundary is a single layer laterite stone boundary and western side boundary is demarcated by placing the laterite stone intermittently. Along with Ext.C1 report, the Advocate Commissioner submitted Ext.C2 plan prepared with the assistance of a private surveyor showing the side measurements and boundaries. Though the 3rd respondent filed objection to the report stating that the boundaries of the acquired property were not clear, no evidence is adduced by the respondents to substantiate the said contention.

10. RW1 in cross examination admitted that Government has no land in RS 183/1 and the respondents are not making any claim over the acquired land. It is also admitted that Ext. A9 notice was issued to the persons stated therein to hand over possession as they were in possession of the property and the entire extent was acquired from the possession of the claimants.

11. In **Rame Gowda(D) by Lrs. v. M Varadappa Naidu (D) by Lrs. and Another (2004 KHC 412)**, it was held by the Hon'ble Supreme Court that in the absence of proof of better title, possession or prior peaceful settled possession is itself evidence of title. The Hon'ble High Court in **State of Kerala v. Kuruvila (2005 KHV 1011)** also held that in a case where Government had not given notice to anyone else having interest in the property, the claimant is entitled for compensation of the whole area, including the area in excess of that mentioned in the title deed taken from his possession within his compound walls for about more than 30 years.

12. Testimony of RW1 as well as the documents marked on the side of the claimants particularly Exts.A9 and A10 would prove that the claimants 1 to 3 were in possession of the acquired land at the time of acquisition. In the present reference, the Government has no claim over the excess land. No one other than

the claimants approached the court raising any right over the said property. So, the dictum in the above cases is squarely applicable to this reference also. Therefore, it has to be held that the acquired properties in the reference belonged to the Claimants No.1 to 3 and they are entitled to get the compensation amount of **₹2,98,69,726/- (Rupees Two crore ninety eight lakh sixty nine thousand seven hundred and twenty six only)** deposited by the 3rd respondent in award No.1/2023 of LAC No.455/2023. So, Point No.(i) is answered accordingly.

13. **Point No.(ii)**:- In the result, the reference is answered as follows:-

i) The claimant No.1 is entitled to get the amount of **₹99,56,576/- (Rupees Ninety nine lakh fifty six thousand five hundred and seventy six only)** out of ₹2,98,69,726/- awarded by the District Collector in Award No.1/2023 in LAC No.455/2023 towards compensation for acquisition of land 0.6911 H of land in Resurvey No.183/4 of Pattannur Village in Thalassery Taluk and the interest accrued thereon from fixed deposit.

ii) The claimants No.2 and 3 are entitled to get the amount of **₹99,56,575/- (Rupees Ninety nine lakh fifty six thousand five hundred and seventy five only)** each out of ₹2,98,69,726/- awarded by the District Collector in Award No.1/2023 in LAC No.455/2023 towards compensation for acquisition of land 0.6911 H of land in Resurvey No.183/4 of Pattannur Village in Thalassery Taluk and the interest accrued thereon from fixed deposit.

ii) Issue cheques accordingly.

(Dictated to the Confdl. Asst. and typed by her, corrected, and pronounced by me in open Court, on this the 18th day of March, 2026).

Sd/-

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

Claimant's Exhibits:-

A1 28-11-2007 Partition Deed 2701/2007 of SRO Irikkur executed by Thenisherry Veetil Soudamini Amma.

- A2 22-03-1986 Settlement Deed 1028/1986 of SRO, Irikkur executed by Thanicheri Kunnath Kunjumbidukka Achuthan Nambiar.
- A3 06-06-1977 Certified copy of Purchase Certificate No.12720/1977 of Kuthuparamba Land Tribunal No.1
- A4 23-07-2022 Land Tax receipt issued by Village officer, Pattannur.
- A5 06-03-2023 Possession and Non-Attachment certificate issued by Village officer, Pattannur.
- A6 -- -- Thandapper account extract.
- A7 03-02-2023 Certificate of encumbrance on property for the period 01-01-1993 to 31-01-2023.
- A8 11-04-2023 Form No.2(a) LAC No.455/2023
- A9 25-05-2023 Notice of taking over possession of the land in LAC No.455/2023.
- A10 25-08-2025 Copy of sketch of acquired property in RS 183/4 for an extent of 0.6911 H

Court's Exhibit:-

- C1 04-10-2025 Report submitted by Sri.Amir Suhail.P.B Advocate commissioner.
- C1(a) 04-10-2025 Sketch Plan of 0.6911 H of land in RS 183/4 submitted by Sri.Amir Suhail.P.B , Advocate commissioner.

Claimant's witness :-Nil

Respondent's Exhibits :- Nil

Respondent's witness :-

RW1 : Sudheer.M(valuation Assistant)

Sd/-

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

Fair/Copy of Order in
LARR No. 62/2025
Dated: 18-03-2026.