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)

Tuesday, the 31st day of March, 2026, 10th Chaithra, 1948

L A R R No. 45/2019

(LAC.No.13/2018 of Award No. 04/2018 dated 15-01-2019)

C1 Arun O.K, Ananthapuram, Palayad, Thillenkery] Claimants
rep. By Power of attorney holder]
Othayoth Kottaron Omana Amma,]
W/o. K.K. Kunhikanna Kurup, aged 68 years,]
residing at Anandapuram House, Thillenkerry]
P.O. Mattannur, Thalassery Taluk,]
Kannur District 670 702.]

Vs.

1. The Government of Kerala represented by the] Respondents
District Collector, Kannur.]
2. MD, KINFRA, Trivandrum.]
3. The Special Tahsildar, LA Airport No.1,]
Mattannur]

This reference coming on 13th day of March, 2026 for final hearing before me in the presence of Sri. Philip K.K, Advocate for the claimant; 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:-

A W A R D

This is a reference made by the Land Acquisition Officer and Special Tahsildar (LA) Airport No.1, Mattannur u/s.77 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 0.0126 H of land in Resurvey No.24/2 in Block No.57 of Keezhallur Village, Thalassery Taluk, Kannur District which was acquired for the construction of Kannur International Airport. Enquiry notice u/s.26 of the RFCTLARR Act was issued to the claimants. Compensation for the acquisition of land as per Award 04/2018 dated 15.01.2019 in LAC No.13/2018 is ₹2,41,713/- (Rupees Two lakh forty one thousand seven hundred and thirteen only). In the enquiry conducted by the Land Acquisition Officer, Sri. Arun. O.K has not appeared or filed any statement or records to prove the title over the property. Hence, the compensation was deposited before this Authority u/s.77 of the Act.

3. The claimant filed claim statement stating that the acquired property with larger extent was originally in the ownership and possession of Sri.Kottaron Balakrishnan. He executed a Jenmem Assignment Deed No.707/1988 dt. 02.05.1988 of SRO, Mattannur in favour of his son viz., Othoyoth Kottaron Arun (claimant No.1) for an extent of 20.4 ares (51 cents) of land comprised in R.S No.24/2 in Keezhallur Village. While the claimant was in the ownership and possession of the acquired land, he alienated the above extent of land in favour of KINFRA as per Jenmem Assignment Deed No.2821/2014 dt. 08.08.2014 of SRO, Mattannur. The above acquired property of 0.0126 H (3.11 cents) of garden land comprising in RS No.24/2 in Keezhallur Village was originally in the possession of the claimant from 1962 onwards and the above property is a compact plot along with 20.4 Ares (51 cents) of land comprised in RS No.24/2 Keezhallur Village. Since then he was paying land revenue to the State for the above extent of land lying in Keezhallur Village. The acquired property was in the possession of the claimant much earlier before the Land Reforms Act came into force. The acquired property of 0.0126 H (3.11 cents) of garden land comprising in RS No.24/2 in Keezhallur Village in favour of KINFRA was a single, compact plot having separate, identifiable and demarcable boundaries. There is no rival claimant in this case for apportioning the award amount involved in this reference. Therefore the

claimant is the only person entitled to get the award amount deposited before the court.

4. The 1st and 2nd respondents appeared through Additional Government Pleader. The 1st respondent filed counter statement stating that the survey work has been conducted on the acquired land by the Land Acquisition Officer as per the stipulation of Survey and Boundaries Act. All the formalities regarding the survey work has been observed. The area of the said survey No. has tallied in accordance with the actual possession of the land by the respective land owner at the time of survey.

5. The claimant was examined as AW1 and Exts.A1 to A9 and Ext.C1 were marked on the side of the claimant. The respondents did not adduce any evidence, either oral or documentary.

6. Heard both sides.

7. Following points arise for determination: -

(i) Whether the claimant is 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 claimant has absolute title and possession over 0.0126 H comprised in ReSy.24/2 in Keezhallur Village which was acquired by the Land Acquisition Authority. Ext.A1 is the certified copy of Assignment Deed No.707/1988 of SRO, Mattannur executed by Othayoth Kottaron Balakrishnan in favour of Othayoth Kottaron Arun (the claimant) for an extent of 20.4 ares (51 cents) of land comprised in R.S No.24/2 in Keezhallur Village. Ext.A2 is the certified copy of Jenm Assignment Deed No.2821/2014 of SRO executed by Omana Amma, the power of attorney holder of the claimant herein in favour of KINFRA for an extent of 20.64 Ares in RS 24/2. Ext.A3 is the letter of Special Tahsildar LA Airport No.1, Mattannur dated 27.02.2020 intimating that original documents were handed over to KINFRA and that compensation amount in respect of 0.0126H of excess land was deposited in

court. Ext.A4 (photo copy marked subject to proof) is the tax receipt dated 29.5.2013 in the name of claimant issued by the Village officer Keezhallur in respect of 0.2063 and 0.0127 in RS 24/2. Ext.A7 is the tax receipt issued by the Village officer Keezhallur in respect of 0.2064 H in RS 24/2 for the year 2014-15. ExtA8 (Ext.A5 is the photocopy of A8 marked subject to proof) is the certificate issued by the Village Officer, Keezhallur dated 4.05.2013 certifying that an extent of 0.2063 H as per deed No.707/88 of SRO, Matttannur along with 0.0127 H in RS 24/2 is in the possession of the claimant within clear boundaries and he is paying tax also. Ext.A9 (Ext.A6 is the photocopy of A9 marked subject to proof) is the true copy of sketch plan of 0.2064 H and 0.0126 H of land in Keezhallur village prepared by the Surveyor of 3rd respondent's office.

9. AW1 testified that 20.4 Ares of land which belonged to him by virtue of Ext.A1 was alienated in favour of KINFRA by executing Ext.A2 assignment deed and the original documents were handed over to KINFRA. He also testified that the acquired land 0.0126H was in his possession from 1976 onwards along with 20.4 Ares of land as a compact plot having identifiable and demarcating boundaries and he had paid land tax for the said extent also.

10. The Advocate Commissioner inspected the acquired property and reported that the acquired property in the above reference is a garden land comprising in RS No.24/2 in Poovallikkara of the Keezhallur Village lying as a plain area in a rectangular shape which is full of wild bushes. There are some coconut trees and other nonbearing improvements in the said property. The boundaries of the said acquired property was shown to the Commissioner by the claimant in the presence of the RI with reference to the sketch plan in which the acquired property is shown as plot 'A'. As per the report there are identifiable boundaries on all four sides of the property, the eastern boundary was a mud ridge, on the northern side is small water flowing channel way , on the western side is also a mud ridge and southern side is the property transferred to KINFRA by the claimant earlier. Though the respondents filed an objection to the commission

report, there is no evidence on the side of the respondents to substantiate their objection.

11. Respondents have no case that the respondents or any other person other than the claimant have any right over the acquired property. From the evidence adduced by AW1, it can be seen that there is no dispute regarding the identity of the acquired property. Exts.A8 certificate, A9 sketch prepared by the surveyor of the acquisition authority as well as Ext. C1 supports the claim of AW1 that the acquired land was in the possession of the claimant within well defined boundaries. There is no rival claim to the acquired property or to the amount deposited in court.

12. 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.

13. In the present reference, Government has no claim over the acquired land. No one other than the claimant 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 is found that the claimant No.1 is entitled to get the compensation amount of **₹2,41,713/- (Rupees Two lakh forty one thousand seven hundred and thirteen only)** deposited by the 3rd respondent as per the award of the District Collector in Award No.04/2018 dated 15.01.2019 in LAC No.13/2018. So, Point No.(i) is answered accordingly.

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

i) The claimant is entitled to get the amount of **₹2,41,713/- (Rupees Two lakh forty one thousand seven hundred and thirteen only)** awarded by the District Collector in Award 04/2018 dated 15.01.2019 in LAC No.13/2018 towards compensation for acquisition of land 0.0126 H of land in Resurvey No.24/2 of Keezhallur Village in Thalassery Taluk and the interest accrued thereon from fixed deposit.

ii) Issue cheque accordingly.

(Dictated to the Confdl. Asst. and typed by her, corrected, and pronounced by me in open Court, on this the 31st day of March, 2026).

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

Claimant's Exhibits:-

A1	19-05-1988	Certified copy of assignment deed bearing No. 707/1988 of SRO, Mattannur.
A2	08-08-2014	Certified copy of Jenm assignment deed No. 2821/2014 of SRO, Mattannur.
A3	27-02-2020	Letter of Special Tahsildar LA Airport No. 1 Mattannur.
A4	29-05-2013	Photocopy of Land Tax receipt issued by Village officer, Keezhallur.(Subject to proof)
A5	04-05-2013	Photocopy of Certificate issued by Village officer, Keezhallur. (Subject to proof)
A6	05-07-2019	Photocopy of sketch plan (Subject to proof)
A7	19-06-2014	Land Tax receipt issued by Village officer, Keezhallur.
A8	04-05-2013	Certificate issued by Village officer, Keezhallur.
A9	05-07-2019	True copy of sketch plan.

Claimant’s witness **:-**

AW1 : Arun O.K

Court Exhibit:-

C1	04-11-2023	Report submitted by Smt. Reshmi K.V, Advocate commissioner.

Respondent's Exhibits & Witness:- Nil

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

bkm/

Fair/Copy of Order in
LARR No. 45/2019
Dated: 31-03-2026.