

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)

Monday, the 16th day of March, 2026, 25th Phalguna, 1947

LARR No. 416 /2022

(LAC.No. 122/2022 of Award No. 11/2022 dated 01-10-2022)

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| C1 Ashokan.K, Krishnas, P.O.Parapram. |] | |
| C2 Ajith Kumar.k, Krishnas, P.O.Parapram. |] | Claimants |
| C3 Majisha.k, Krishnas, P.O.Parapram. |] | |
| Vs. | | |
| 1. The Government of Kerala represented by the
District Collector, Kannur. |] | |
| 2. The Executive Engineer, PWD Bridges division,
Kannur |] | Respondents |
| 3. The Special Tahsildar, LA General, Thalassery |] | |

This reference coming on 11th day of February, 2026 for final hearing before me in the presence of Sri.A.P.Ashokan, Advocate for the claimants ; of Smt. Jayasree V.S., Addl. Govt. Pleader for the respondent Nos.1 to 3; 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) General, Thalassery 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 0.0011 H of land in Resurvey No.194/6 (New 194/15) in Pinarayi desom in Pinarayi Village, Thalassery Taluk, Kannur District which was acquired for Pinarayi Banganaparamba Mini Industrial Road. Enquiry notice u/s.21 of the RFCTLARR Act was issued to the claimant.

Compensation for the acquisition of land as per Award 11/2022 dated 01.10.2022 in LAC No.122/2022 is **₹65,209/- (Rupees Sixty five thousand two hundred and nine only)**. In the enquiry conducted by the Land Acquisition Officer, the claimant No.1 appeared and produced documents. As per the document No.2659/1995 of SRO, Kadirur, Kadicheri Janaki has got Kuzhikkanam right over an extent of 0.0273 H of land in RS No.194/6. Kadicheri Janaki is not alive. The claimant No.1 produced thandapper account and land tax receipt etc., in respect of the above land. But the original documents and the purchase certificate of the above land hasn't been produced. He has stated that claimants 1 to 3 are the legal heirs of the deceased Janaki. But the death certificate or legal heirship certificate of the deceased were not produced. The land owner has not proved absolute jenmam right over the property. Therefore the compensation was deposited before this Authority u/s.77 of the Act.

3. The claimants No.1 to 3 jointly filed a claim statement stating that the acquired property originally belonged to Ponnambath Mathu. Mathu executed a registered Will having No.101/1975 before SRO, Kadirur on 01.12.1975. Mathu died and her right in the property devolved on her only son Krishnan. Since Krishnan died, his right in the property devolved on Raveendran, son of him in his late first wife and Ashok Kumar (C1), Ajith Kumar (C2) and Majisha (C3), children of him in his late second wife Janaki. C1 to C3 including Raveendran executed a release deed in favour of said Janaki. Janaki died on 19.10.2024. Her right in the property devolved on her children, C1 to C3. Ashok Kumar is also known as Ashokan. Hence, C1 to C3 are the only persons entitled to get the award amount.

4. The respondents No.1 to 3 appeared through Additional Government Pleader. The 3rd respondent filed a statement reiterating the facts stated in the reference.

5. On the side of the claimants No.1 to 3, Exts.A1 to A10 were marked. The respondents did not adduce any evidence, either oral or documentary.

6. Heard both sides.

7. Following points arise for determination: -

- (i) *Whether the claimants Nos.1 to 3 are entitled to get the compensation amount deposited 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 No.1 to 3 have absolute title and possession over 0.0011 H comprised in ReSy.194/6 (New 194/15) of Pinarayi Village which was acquired by the Land Acquisition Authority. Ext.A1 is the Release Deed No.2659/1995 of SRO, Kadirur executed by Mekkileri Raveendran and claimants 1 to 3 in favour of Kadicheri Janaki for an extent of 2.73 Ares in RS 194/6 of Pinarayi village. From the recitals in Ext. A1 it can be seen that the property belonged to Ponnambath Krishnan and on his death, Janaki and others obtained right over the property and that Janaki had Kuzhikanam right only over the said property. Ext. A3 fee receipt for application of Thandaper account extract is not relevant in this reference. Exts.A2 and A7 tax receipts and Ext. A6 possession certificate in the name of claimants No.1 to 3 issued by the Village officer, Pinarayi is in respect of 0.0273 H in RS.194/122 (old RS 194/6). Ext.A4 is the death certificate of Janaki.C which shows that she died on 19.10.2014. Ext.A9 is the Family Membership certificate of Janaki C which shows that claimant Nos. 1 to 3 are her children. Ext.A5 is the affidavit of claimant No.1 regarding his name. As per Ext.A8 there is no encumbrance over the property during the period from 01.01.2010 to 01.07.2025. Ext. A10 is the certified copy of Will No. 101/1975 executed by Ponnambathu Mathu in respect of property in RS 194/6 in favour of her son Krishnan. From the recital in Ext. A10 it can be seen that the property originally was in possession of Padickal Kannan on Kuzhikanam right which was subsequently assigned to Ponnambath Kannan and his brother Gopalan and on death of Gopalan the right devolved on Kannan and Manikkam (mother of testator Mathu). As per the recital in Ext. A10, the testator

Mathu obtained right over the property by virtue of gift deed no. 81/1958 of Kadirur SRO executed by her mother Manikkam.

9. The available evidence would prove that the kuzhikanam right of Janaki over the acquired property devolved upon claimants 1 to 3 on her death. However, the recitals in Ext. A10 would go to prove that the property was originally taken on Kuzhikanam in the year 1911 by virtue of Marupattam deed No.2159/1911 of SRO Kadirur for a period of 12 years by Padikkal Kannan and after several transfers it came to the possession of the testator of Ext. A10 Will. Though the claimants have not obtained a purchase certificate to prove their absolute title, evidence before court proves that they are in settled possession of the acquired land in continuation of the possession of their predecessors. As per the provisions of S. 72 of the Kerala Land Reforms Act and SRO No. 4/70, as on 1/1/1970 all right, title and interest of landowners and intermediaries in respect of holdings held by cultivating tenants got vested in government free from all encumbrances. The respondents have no contention that the government has any right over the acquired property or over the compensation amount deposited in court. Moreover as per Art.61 of the Limitation Act, the period prescribed for redeeming a mortgage is 30 years and as per S.27 of the Limitation Act, at the determination of the period limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished. So it can be seen that the mortgagor's right to redeem got barred by limitation and by efflux of time the claimants herein have perfected their title over the property.

10. The evidence adduced by the claimants prove that claimants No.1 to 3 have absolute title and possession over the acquired land. The evidence of the claimants remain unrebutted. There is no rival claim over the deposited amount. Therefore, it is found that the claimants No.1 to 3 alone are entitled to get the compensation amount of **₹65,209/- (Rupees Sixty five thousand two hundred and nine only)** deposited by the 3rd respondent as per the award of the District

Collector in Award No.11/2022 dated 01.10.2022 in LAC No.122/2022. So, Point No.(i) is answered accordingly.

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

i) The claimant No.1 is entitled to get the amount of **₹21,737/- (Rupees Twenty one thousand seven hundred and thirty seven only)** out of ₹65,209/- awarded by the District Collector in Award 11/2022 dated 01.10.2022 in LAC No.122/2022 towards compensation for acquisition of land 0.0011 H of land in Resurvey No.194/6 (New 194/15) of Pinarayi 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 **₹21,736/- (Rupees Twenty one thousand seven hundred and thirty six only)** each out of ₹65,209/- awarded by the District Collector in Award 11/2022 dated 01.10.2022 in LAC No.122/2022 towards compensation for acquisition of land 0.0011 H of land in Resurvey No.194/6 (New 194/15) of Pinarayi Village in Thalassery Taluk and the interest accrued thereon from fixed deposit.

iii) Issue cheques accordingly.

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

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

Claimant's Exhibits:-

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| A1 | 13-10-1995 | Release Deed No.2659/1995 of SRO, Kadirur. |
| A2 | 25-02-2022 | Land Tax receipt issued by Village officer, Pinarayi. |
| A3 | 03-09-2022 | Fee receipt for application of Thandaper account extract issued by Village officer, Pinarayi. |
| A4 | 01-11-2014 | Death certificate of Janaki.C |

- A5 24-11-2021 Affidavit of claimant No.1
- A6 15-09-2022 Possession Certificate issued by Village officer, Pinarayi.
- A7 24-05-2025 Land Tax receipt issued by Village officer, Pinarayi.
- A8 03-07-2025 Certificate of encumbrance on property for the period 01-01-2010 to 01-07-2025.
- A9 29-08-2025 Family Membership certificate of Janaki C, issued by Village officer, Pinarayi.
- A10 01-12-1975 Certified copy of Will No. 101/1975 SRO, Kadirur.

Claimant's witness :- Nil

Respondent's Exhibits & Witness:- Nil

Sd/-

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

Fair/Copy of Order in
LARR No. 416/2022
Dated: 16-03-2026.