

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)

Friday, the 10th day of April, 2026, 20th Chaithra, 1948

L A R R No. 485/2022

(LAC.No.292/2022 of Award No. 01/2022 dated 14-10-2022)

- | | | | |
|----|--|---|-------------|
| C1 | Kovoor Chathoth Rajeevan, Dhawnanya,
Pathirparamba, Chovva, Kannur. |] | Claimants |
| | |] | |
| C2 | Branch Manager, Punnad Service Co-Operative
Bank Ltd No. CC 57, Iritty Main Branch. |] | |
| | <u>Suppl:</u> |] | |
| | |] | |
| C3 | K.T. Divakaran, S/o. Vasudevan Vazhunnava,
aged 74 years, residing at Sreevalsam,
Payancheri, Iritty, Pin 670703, Kannur District. |] | |
| | |] | |
| | |] | |
| | Vs. | | |
| 1. | The Government of Kerala represented by the
District Collector, Kannur. |] | Respondents |
| | |] | |
| 2. | The Director, Ayurveda Medical Education,
Thiruvananthapuram. |] | |
| | |] | |
| 3. | The Special Tahsildar (LA), IRIA, Kalliad. |] | |
| | |] | |

This reference coming on this day for hearing before me in the presence of Sri. S.J.Abraham, Advocate for the 1st claimant; of Sri. Juju Devidas O.K, Advocate for the 2nd claimant; of S/Sri. R. Surendran & Smt. Afeela P.P., Advocates for the 3rd claimant; of Smt. Jayasree V.S., Addl. Govt. Pleader for respondent Nos. 1 and 3 ; and 2nd respondent called absent; 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), (IRIA) Kalliad 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 1.2141 H of land in Resurvey 46/4Pt (New 46/137-3) of Kalliad desom in Kalliad Village, Iritty Taluk, Kannur District which was acquired to establish an International Ayurvedic Research Centre at Kalliad. Enquiry notice u/s.21 of the RFCTLARR Act was issued to the claimants. Compensation for the acquisition of land as per Award 01/2022 dated 14.10.2022 in LAC No.292/2022 is **₹3,22,67,583/- (Rupees Three crore twenty two lakh sixty seven thousand five hundred and eighty three only)**. In the enquiry conducted by the Land Acquisition Officer, found the claimant has a loan liability over the acquired property with Punnad Service Co-Operative Bank. As the land owner has not proved absolute possession with ownership right over the property. Therefore, the compensation was deposited before this Authority u/s.77 of the Act.

3. The claimant No.1 filed claim statement stating that the acquired land having an extent of 3 acres originally belonged to Kovoov Chathoth Karthyayani Amma with kuzhikkanam right. Karthyayani Amma obtained jenmam right for this land from Irikkoor No.I Land Tribunal as per the purchase certificate bearing No.11599/77. Later, Karthyayani Amma assigned this land in favour of claimant No.1, Kovoov Chathoth Rajeev by virtue of registered jenmam assignment deed No.1577/1/2006 of SRO, Irikkoor. Through the above said deed claimant No.1 has got absolute right, title and interest over the acquired land. The claimant No.1 had mortgaged the acquired property in favour of claimant No.2, Punnad Service Co - Operative Bank through a registered Gehan No.677/19 through his authorized

agent, K.C. Radhakrishnan. Since the property was mortgaged with the bank and all the documents were in the custody of the bank, the claimant No.1 could not produce original documents in time. Subsequently on 10.04.2023 the above said liability with the bank has released by the claimant No.1. Now the property is free from all encumbrances including the liability with above said bank and a certificate stating the same is also issued by the Bank Manager. The documents produced before the Court prove that the claimant No.1 has got absolute right, title and interest over the acquired property. Hence, claimant No.1 is the only person entitled to get the award amount in respect of the acquired property.

4. The claimant No.2 filed claim statement stating that the claimant No.1, Kovoov Chathoth Rajeev has mortgaged the acquired property of this reference with claimant No.2 and obtained loan amount of Rs.1,20,00,000/- from the claimant No.2 through a registered Gehan No.677/19 of SRO Irikkoor. This Gehan was executed by K.C.Radhakrishnan as authorized agent of the claimant No.1. Subsequently on 10.04.2023, Claimant No.1 released his above said liability with the bank over the acquired property. This claimant issued a certificate to this effect. Now the property is free from the encumbrance made with the bank. So this claimant has no claim over the acquired property or the award amount of this reference. This claimant has no objection to apportion the award amount to the claimant No.1, Kovoov Chathoth Rajeev.

5. An additional claimant No.3 was impleaded as per order in IA2/2023 dated 20.02.2014.

6. Claimant No.3 filed claim statement stating that the acquired property was the subject matter of the partition suit OS No.117/1948 on the file of Subordinate Judge's Court, Thalassery. Smt. Omana Amma, her children, K.T.Sreekumari Amma and claimant No.3 were respectively the defendants No.89, 105 and 126 in the said suit. As per the final decree pursuant to the Arbitration award was passed in the said suit vide order dated 24.03.1966 in IA No.615/1963 in OS No.117/1948 of Sub Court, Thalassery, the acquired property and its larger

extent having a total area of 16.40 Acres situated in RS No.46/1 of Kalliad amsom desom was allotted to the exclusive share and possession of Smt.Omana Amma (D-89), KT Sreekumari Amma (D-105) and Claimant No.3 (D-126) jointly. Smt.Omana Amma died and her right over the property devolved on her children K.T. Sreekumari Amma (D-105) Claimant No.3 (D-126) and K.T.Sreekumar jointly. K.T.Sreekumar died and his right devolved on his widow, K.K.Premalatha and children, K.K.Sreesankar, K.K.Sreenath and K.K.Sreelakshmi. Thus Claimant No.3 and the other persons mentioned above were the persons in possession of the acquired land as absolute owners as per the final decree vide share No.93 Serial No.11 of the final decree. The survey No.46/1 was given RS No.46/4 after new sub division. When the claimant No.1 trespassed into the property, the Claimant No.3 and other co-owners filed O.S No.461/2012 before the Munsiff's Court, Thaliparamba and the same is pending. There are other suits such as OS No.360/2016 (filed by Claimant No.1) and OS No.440/2012 (filed by Claimant No.1) pending before the Munsiff's Court, Taliparamba between the same parties in respect of the same property. It was during the pendency of the suits, the property was acquired. The contention of the Claimant No.1 that the acquired land having an extent of 3 Acres originally belonged to Kovoov Chathoth Karthyayani Amma with kuzhikkanam right is false and is denied by the claimant. It is false to say that on 23.02.1977, said Karthyayani Amma obtained jenmam right over this land from Irikkoor No.I Land Tribunal as per the purchase certificate bearing No.11599/77. The said purchase certificate is a bogus one, issued by playing fraud. There was no such kuzhikanam tenancy or any other kind of tenancy expressly or impliedly granted in favour of Kovoov Chathoth Karthyayani Amma or anybody else created or granted by Smt. Omana Amma (D-89), K.T.Sreekumari Amma (D-105) and Claimant No.3 (D-126) at any point of time. They did not get any notice from the Irikkoor Land Tribunal in the alleged proceedings of the Land Tribunal. Hence the purchase certificate bearing No.11599/77 produced by the Claimant No.1 is void and not binding on Smt.Omana Amma (D-89), K.T.Sreekumari Amma (D-105) and

Claimant No.3 (D-126) who were allotted land unoccupied by tenants, as stated in the final decree passed on the basis of the arbitration award. Any tenancy said to have been created by any person who is a party to the above mentioned partition suit is hit by lis pendens and void as much as the allottees are concerned. As per Section 74 of the Kerala Land Reforms Act any tenancy created in respect of any land after the commencement of the said Act (1-4-1964) shall be invalid. The purchase certificate No.11599/1977 of Irikkoor Land Tribunal allegedly issued in favour of Chathoth Karthyayani Amma is a fraudulent one known notoriously as 'Gopalan Pattayam' at that point of time. Against the order of the land Tribunal granting purchase certificate, the Claimant No.3 and other co-owners preferred appeal before the Appellate Authority (LR) Kannur as A.A No.70/2012. Though the Appellate Authority (LR) Kannur dismissed the appeal, the Claimant No.3 and other co-owners preferred CRP(LR) No.12/2023 before the Hon'ble High Court, and it was allowed and the matter was remanded back to the Appellate Authority (LR) Kannur for fresh disposal in accordance with law. The Appeal is still pending before the Appellate Authority (LR) Kannur. The registered jenmam assignment deed No.1577/1/2006 of SRO, Irikkoor produced by the claimant No.1 does not confer any title on Claimant No.1, because the executant Smt. Kovoov Chathoth Karthyayani Amma did not get any title over the property. The claimant No. 1 in the above reference claimed that he mortgaged the acquired property in favour of claimant No. 2 through a registered Gehan No.677/19. The claimant No.1 executed the said mortgage pretending that he is the absolute owner in possession of the property and suppressing the pendency of the A.A No.70/2012 before the Appellate Authority (LR) Kannur and the suits pending before Munsiff's Court, Taliparamba. Therefore it is clear that the said Gehan was executed suppressing material facts pertaining to the property and to create false evidence of possession. From the statements of Claimants No.1 and 2 it is evident that the claimant No.1 was not in need of money by mortgaging the property and he invested the loan amount confidentially and cleared the loan as soon as the land acquisition proceedings had

begun. By creating a simple mortgage, the Claimant No.1 cannot claim any title or possession over the acquired property in the eye of law. Therefore the title over the acquired property remained with Smt.Omana Amma (D-89), K.T.Sreekumari Amma (D-105) and Claimant No.3 (D-126) since the final decree in OS No.117/1948 on the file of Subordinate Judge's Court Thalassery till the death of Omana Amma and after that the title was with K.T.Sreekumari Amma (D-105) Claimant No.3 (D-126) and K.T.Sreekumar. After the death of K.T Sreekumar, his widow and children inherited his right as per Hindu Succession Act. Therefore K.T.Sreekumari Amma, K.K.Premalatha, K.K.Sreesankar, K.K.Sreenath and K.K.Sreelakshmi are necessary parties to the above case. The claimant No.3 and K.T.Sreekumari Amma are having $\frac{4}{9}$ right each over the acquired property and the compensation in deposit with accrued interest. The widow of K.T.Sreekumar namely K.K.Premalatha, and her children namely K.K.Sreesankar, K.K.Sreenath and K.K.Sreelakshmi together have got $\frac{1}{9}$ share inherited from K.T.Sreekumar. Therefore there may be a judgement and decree in favour of the Claimant No.3, enabling to receive $\frac{4}{9}$ share out of the compensation amount in deposit with accrued interest.

7. The claimant No.1 filed additional claim statement stating that the claim statement filed by the claimant No.3 is not maintainable and denied the contentions of the claimant No.3. There is no document produced on the side of claimant No.3 to show that they were possessing the property after the KLR Act came into force. The property was in possession of the predecessor of claimant No.1 prior to 01.04.1964 and they got fixity of tenure prior to 01.04.1964. The land Tribunal, Irikkur has issued purchase certificate in the name of predecessor of claimant No.1 after verification of right of claimant No.1 over the property and complying all the legal formalities. Form D & F notice was properly served. It is pertinent to note that the claimant No.3's predecessor has obtained purchase money also. From 1948 to 2025 there is no document produced on the side of claimant No.3 to show their possession over the property on the other hand the claimant No.1 has produced

entire document to show his right and possession over the property. The contention that the purchase certificate obtained by C1 is bogus one issued by playing fraud on the Irikkur Land Tribunal without adhering to the procedure established by law is totally incorrect. All the legal formalities were compiled before issuing the certificate of purchase. The claimant No.3 has filed the claim statement only to protract the land acquisition proceedings. The intention of claimant No.3 is to grab money from claimant No.1 by filing unreasonable objection. So the objections filed by the claimant No.3 were not maintainable and had to be rejected. Hence the Court may be pleased to disburse the amount deposited before this Court in the name of 1st Claimant and reject the contention raised by claimant No.3.

8. Memo of appearance is filed by 1st and 3rd respondents. 2nd respondent did not file vakalath. The 3rd respondent filed a counter statement stating that in response to the award enquiry notice dated 01.07.2022 Sri. Koor Chathoth Rajeevan appeared before the Land Acquisition Officer and the land owner has not proved absolute possession with ownership right over the property and the land owner has a loan liability over the property with Punnad Service Co-Operative Bank. Therefore, the compensation was deposited before this Authority u/s.77 of the Act.

9. On the side of the claimant No.1, Exts.A1 to A12 were marked. Claimant Nos. 2 and 3 did not adduce any evidence. The respondents did not adduce any evidence, either oral or documentary.

10. Heard both sides.

11. Following points arise for determination: -

(i) Who among the claimant Nos.1 to 3 are entitled to get the compensation amount in deposit in the reference?

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

12. **Point No.(i):-** Ext.A1 is the Purchase Certificate bearing No.11599/1977 in SMP 2090/1975 of Land Tribunal, Irikkur I in the name of Smt.

Karthiyayani Amma in respect of 3 Acres in RS 46/1 of Kalliad village. Ext.A2 is the Jenm Assignment Deed No.1577/2006 of SRO, Irikkur executed by Kovoor Chathoth Karthiyayani Amma in favour of Kovoor Chathoth Rajeevan in respect of the above 3 acres. Exts.A3 and A5 are the tax receipt and possession certificate in the name of Rajeev Kovoor Chathoth (CI) issued by the Village officer, Kalliad in respect of 1.2141 H in ReSy. No.46/211. From Ext.A4 Thandaper account in the name of claimant No.1 it can be seen that 1.2141 H in RS No.46/211 the claimant No.1 has paid tax during the years 2019-2020, 2020-2021, 2021-2022 and 2022-2023. Ext.A6 is the Gehan No.677/19 of SRO Irikkur executed by K.C.Radhakrishnan as authorized agent of the claimant No.1 in favour of claimant No.2 bank. Ext.A7 is the certificate issued by branch manager, Punnad Service Co-op. Bank dated 12.04.2023 stating that entire liability was cleared by the claimant No.1. From Ext.A8 encumbrance certificate it can be seen that the claimant No.1 had cleared the liabilities due to the claimant No.2 Punnad Service Co-op. Bank. Ext.A9 is the certificate issued by the Village Officer, Kalliad dated 09.10.2023 certifying that though the property 1.2141H in possession of the claimant No.1 was shown as in RS 46/1 in the title deed, after subdivision for Japan Drinking Water Scheme, the resurvey No. is 46/4. From Ext.A10 certified copy of judgment in OS No.440/2012 of Munsiff Court, Taliparamba it can be seen that the suit between the claimants 1 and 3 was settled in mediation. Exts.A11 and A12 are the one and the same certificates issued by the Kalliad Village Officer and Padiyoor Kalliad Grama Panchayath President respectively stating that the Karthayani Amma mentioned in deed No.1577/2006 of SRO Irikkur and Karthayani Amma mentioned in Ext.A2 Pattayam are one and the same person.

13. The evidence adduced by the claimant No.1 proves that the Claimant No.1 has absolute title and possession over the acquired property. Claimant No.2 is not raising any claim over the acquired land or the amount deposited in court. IA 3/26 compromise petition is filed by the claimants 1 to 3 agreeing for release of

₹94,00,000/- to claimant No.3 and the remaining amount of ₹2,28,67,583/- with interest on the deposited amount ₹3,22,67,583/-to claimant No.1. Therefore, it is found that the claimant No.1 is entitled to get the compensation ₹2,28,67,583/- with interest on the deposited amount out of **₹3,22,67,583/- (Rupees Three crore twenty two lakh sixty seven thousand five hundred and eighty three only)** deposited by the 3rd respondent as per the award of the District Collector in Award No.01/2022 dated 14.10.2022 in LAC No.292/2022. Claimant No.3 is entitled to get ₹94,00,000/- out of **₹3,22,67,583/- (Rupees Three crore twenty two lakh sixty seven thousand five hundred and eighty three only)** deposited by the 3rd respondent as per the award of the District Collector in Award No.01/2022 dated 14.10.2022 in LAC No.292/2022. So, Point No.(i) is answered accordingly.

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

i) The claimants No.1 is entitled to get **₹2,28,67,583/- (Rupees Two crore twenty eight lakh sixty seven thousand five hundred and eighty three only)** with interest on the entire deposited amount of ₹3,22,67,583/- deposited by the 3rd respondent as per the award of the District Collector in Award No.01/2022 dated 14.10.2022 in LAC No.292/2022.

ii) The claimant No.3 is entitled to get **₹94,00,000/- (Rupees Ninety four lakh only)** out of ₹3,22,67,583/- deposited by the 3rd respondent as per the award of the District Collector in Award No.01/2022 dated 14.10.2022 in LAC No.292/2022.

iii) Issue cheques accordingly.

(Dictated to the Confdl. Asst. and typed by her, corrected, and pronounced by me in open Court, on this the 10th day of April, 2026).

Sd/-

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

Claimant's Exhibits:-

- A1 23-02-1977 Purchase certificate bearing NO.11599/1977 in SMP 2090/1975 of Land Tribunal, Irikur.
- A2 25-07-2006 Jenmam Assignment deed No. 1577/2006 of SRO, Irikkur.
- A3 16-07-2022 Land Tax receipt issued by Village officer, Kallyad.
- A4 01-09-2022 Thandapper account extract in the name of 1st claimant.
- A5 06-08-2022 Possession certificate issued by Village officer, Kalliad.
- A6 26-04-2019 Gehan register No. 677/19 of SRO, Irikkoor executed by K.C. Radhakrishnan.
- A7 12-04-2023 Certificate issued by Branch Manger, Punnad Service Co-operative Bank.
- A8 06-10-2023 Certificate of Encumbrance on Property.
- A9 09-10-2023 Certificate issued by Village officer, Kallyad.
- A10 11-02-2026 Certified copy of Judgment in OS 440/2012 of Munsiff Court, Taliparamba.
- A11 06-04-2026 One and the same certificate issued by Village officer, Kallyad
- A12 06-04-2026 One and the same certificate issued by President, Padiyoor Kallyad Gramapanchayath.

Claimant's witness :- Nil.

Respondent's Exhibits & Witness:- Nil

Sd/-

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

(True copy)

Fair/Copy of Order in
LARR No. 485/2022
Dated: 10-04-2026.