

**IN THE COURT OF LAND ACQUISITION, REHABILITATION AND
RE-SETTLEMENT AUTHORITY, KOTTAYAM**

Present:- Sri.Subash S, Land Acquisition, Rehabilitation and
Re-settlement Authority, Kottayam

Tuesday, the 21st day of April 2026
1st day of Vaisakha 1948

LAR No. 7/2023
(LAC No.1/2023)

Claimant:

Varghese Mathew, S/o. Mathew,
Kuzhiyampakkal, Ettumanoor Village,
Kottayam (Varghese Mathew, S/o. Mathew,
Kuzhiyampakkal, Amalagiri.P.O, Mannanam Kara)

By Adv. Zakhier Huzzain and Adv. Sunitha.A.

Respondents:

1. State of Kerala, Rep. By District Collector, Kottayam.
2. The Special Tahsildar, LA (KIFB), Kottayam @ Vaikom,
Maravanthuruthu.P.O, 686608.
3. The Executive Engineer, Kerala Water Authority, Project
Division, Collectorate P.O, Kottayam.

R1 and R2 by Adv. Sri. Cyril Thomas, Addl. Govt. Pleader.

R3 No vakalath seen filed.

This reference application having been finally heard on
03.03.2026 and the court on 21.04.2026 answered the
following:-

AWARD

The above case is based on the reference made under S.64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013 (hereinafter referred to as Act-2013).

2. Brief facts leading to the above reference is as follows:

For the construction of Water Treatment Plant in connection with drinking water project for Ettumanoor Municipality, as per the requisition of the Executive Engineer Kerala Water Authority, an extent of 0.4323 hectares of land comprised in Sy. No.21/9 of Ettumanoor Village, Kottayam Taluk, has been acquired and awarded a compensation of ₹3,40,30,607/- to the claimant. Notification as per S.4(1) of the Act was published on 07.09.2020. Thereafter, a preliminary notification under S.11(1) of the Act was published on 10.08.2021. The award was passed on 10.05.2023 and the possession of land was taken on 02.06.2023.

3. Being aggrieved by the award, the claimant preferred reference application under Section 64 of the Right

to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and based on which, the District Collector made the above reference.

4. The 1st respondent is the State of Kerala, represented by the District Collector, Kottayam. The 2nd respondent is the Special Tahasildar, Land Acquisition (KIIFB), Kottayam and the 3rd respondent is the Executive Engineer, Kerala Water Authority, Project Division, Kottayam.

5. Notices were issued to the respondents and claimant.

6. The claimant preferred claim statement as follows: The acquired property lies at a distance of 100 metres east of Ettumanoor - Peroor PWD road and very near to Peroor junction. The said property lies by the side of the Municipal road. Market value of the land fixed at ₹3,37,789/- per are is grossly inadequate. The said property is hardly 1km away from Ettumanoor Central Junction, where Pala - Poonjar Highway, MC road, Athirampuzha road and Neendoor road join. The fair value of the land fixed by the Government under the Stamp Act in the area is more than the amount fixed by the Collector.

There are several sale deeds registered within a period of 3 years before the notification within 5 km of the acquired land, ranging from ₹10,00,000/- to ₹22,00,000/- per are. There are several public institutions in the area, very proximate to the acquired land. Private bus stand, KSRTC bus stand, Ettumanoor Railway Station, etc. are within a distance of 1 km. Several schools, banks, Ettumanoor Mahadeva temple, Christuraj Church, Mosque, vegetable and fish market, etc., are within a walkable distance from the acquired land. The Land Acquisition Officer did not consider properties in Athirampuzha village which is adjacent to Ettumanoor and Peroor Village, and within 5 km of the acquired land. The acquired land can be developed by levelling it to the road level and can be sold as small plots, which would fetch a higher sale price, and by levelling the property, more income will be generated by the sale of soil. So, the selection of properties having more than 25 cents only is wrong. The avoidance of road-level properties for fixing the market value of the acquired land is also wrong. The market value of the acquired land is to be fixed at least at ₹10,00,000/- per are.

7. No objection has been filed from the side of the respondents.

8. From the side of the claimant, Exts.A1 to A12 documents were marked. The commissioner's report and Google map printout were marked as Ext.C1 and C1(a). Exts.B1 to B8 were marked from the side of the respondents.

9. Heard both sides.

10. The points for consideration are:-

1. Does the market value fixed by the collector warrant any interference by the Authority? If so, what shall be the market value of the acquired lands?
2. Is the claimant entitled to enhanced compensation as prayed for, and if so, what shall be the quantum of compensation?
3. Reliefs and costs?

11. **Point No.1**:- The learned counsel for the claimant in the above reference submitted that the market value fixed by the Collector is grossly inadequate, and the acquired property would fetch more market value than the value fixed by the Collector. To substantiate the contention, the learned counsel for the claimant relied upon Exts.A2 to A12 sale deeds.

12. As per Ext.C1 report submitted by the Commissioner, the acquired land is situated by the side of Ettumanoor - Peroor road at a distance of 100 metres east of Nethaji Nagar junction. As per the said report, MC road, Pala - Poonjar State Highway, Athirampuzha road, Neendoor road, KSRTC bus stand, Private bus stand, Ettumanoor temple, Christuraja Church, Ettumanoor Juma Masjid, Government Vocational Higher Secondary School, Government Teachers Training Centre, State Bank of India, Canara Bank, SFS School, Ettumanoor Municipality Office, etc., are situated within a radius of 1 ½ km from the acquired land. It is reported by the commissioner that Ettumanoor railway station, Government Industrial Training Centre, Mary Mount Public School, Ettumanoorappan College, Mangalam College of Engineering, Peroor St. Sebastian's School, Peroor JB LPS Malayalam Medium school, Ettumanoor Government Hospital, etc., are situated within a distance of 4 km from the acquired land. It is reported further by the commissioner that Pattithanam - Manarcadu bypass road passes through the eastern side of the acquired property, and the said property has access to the said

road through a way. The acquired land is lying at a higher level. The commissioner conducted a comparative assessment of the acquired property with the properties covered by the Ext. A2 to A12 sale deeds, and reported that the properties covered by Exts.A3, A4, A5, A10, A11 and A12 are similarly situated properties when compared to the acquired land. S.26 of the Act 2013 provides for the criteria for assessing and determining the market value of the land by the Collector. S.26 read as follows:

26. Determination of market value of land by Collector.

(1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:-

(a) the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or

(b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

(c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private

partnership projects, whichever is higher: Provided that the date for determination of market value shall be the date on which the notification has been issued under section II.

Explanation 1. - 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 three years of the year in which such acquisition of land is proposed to be made.

Explanation 2. - 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.

Explanation 3. - While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4. - While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

(2) The market value calculated as per sub-section (1) shall be multiplied by a factor to be specified in the First Schedule.

(3) Where the market value under sub-section (1) or sub-section (2) cannot be determined for the reason that-

(a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(b) the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or

(c) the market value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority, the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas:

Provided that in a case where the Requiring Body offers its shares to the owners of the lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty-five per cent. of the value so calculated under sub-section (1) or sub-section (2) or sub-section (3) as the case may be:

Provided further that the Requiring Body shall in no case compel any owner of the land (whose land has been acquired) to take its shares, the value of which is deductible in the value of the land calculated under sub-section (1):

Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:

Provided also that the appropriate Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice.

13. As per Explanation 1 of S.26(1)(b), 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 three years of the year in which such acquisition of land is proposed to be made. As per Explanation 2 of S.26(1) (b) of the Act, 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. By virtue of section 26(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the market value so calculated shall be multiplied by a factor to be specified in the first schedule.

14. In the present case, the claimant have produced Exts.A2 to A12 sale deeds, and after a comparative assessment, the commissioner reported that the properties covered by Exts.A3 to A5, Exts.A10, A11 and A12 are similar to acquired land. The properties covered by Ext.A3 and A4 are situated in Ettumanoor Village. The property covered by Ext.A5 sale deed is situated in Peroor Village. The properties covered by Exts.A10, A11 and A12 are situated in Athirampuzha Village. The acquired property is situated in Ettumanoor Village. As per the report of the commissioner, the property covered by Ext.A3 sale deed is situated at a distance of 100 metres east of the junction where MC road and Manarcadu - Pattithanam bypass road join, and the said property has municipal road access on its northern side. As

per Ext.C1 report, the acquired land and the property covered by Ext.A3 sale deed are situated at the same level and are similarly situated properties. It is reported further by the commissioner that the property covered by Ext.A4 sale deed is situated in Ettumanoor village, by the side of Municipal road near Pattithanam junction; the said property is situated at a distance of 100 metres east from Pattithanam junction, where MC road and Manarcadu - Pattithanam bypass road join. As per Ext.C1 report, the said property has municipal road access on its northern side. According to the commissioner, both the acquired land and property covered by Ext.A4 are similarly situated. It is reported further by the commissioner that the property covered by Ext.A5 is situated in Peroor Village, by the side of municipal road near Carithas Hospital; the said property has municipal road access on its southern side and it is being used as parking area of Carithas Hospital. According to the commissioner, both the acquired land and the property covered by Ext.A5 sale deed are similarly situated. It is reported further by the commissioner that the property covered by Ext.A10 sale deed is situated in Athirampuzha

Village at a distance of 500 metre from the panchayath road starting from Parolickal junction in MC road; it has private road access. According to the commissioner, both the properties are similarly situated. It is reported further by the commissioner that the property covered by Ext.A11 is situated in Athirampuzha Village, by the side of panchayath road starting from Parolickal junction in MC road. According to the commissioner, both the properties are similarly situated. It is reported further by the commissioner that the property covered by Ext.A12 is situated in Athirampuzha village, by the side of panchayath road at a distance of 100 metre from Ettumanoor - Ernakulam road. The said property is situated within a radius of 3 km from the acquired property. As per Ext.C1 report, both the properties are approximately similar. Considering the report of the commissioner, properties covered by Exts.A3 to A5 and Exts.A10 to A12 sale deeds can be considered for fixing the market value of acquired property.

15. Out of the above six sale deeds, Exts.A3 and A4 were executed in 2016, Ext.A5 was executed in 2018,

Exts.A10 and A11 were executed in 2018. Ext.A12 was executed in 2021. As the notification under S.11(1) was on 10.08.2021, for fixing the market value of the acquired land, Exts.A5, A10, A11 and A12 can be considered. As per Ext.A5 sale deed, 9.20 ares of land was sold for ₹93,27,500/-. So, the value of the land per are is ₹10,13,859/-. As per Ext.A10 sale deed, 22.01 ares of land was sold for ₹1,62,65,200/- and the value of the land per are is ₹7,38,991/-. As per Ext.A11 sale deed, 2.03 ares of land was sold for ₹25,00,000/- and the value of the land per are is ₹12,31,527/-. As per Ext.A12 sale deed, 16.76 ares of land was sold for ₹2,07,00,000/-. So, the value of the land covered by Ext.A12 sale deed is ₹12,35,084/- per are. The average sale price of the lands covered by Exts.A5, A10, A11 and A12 would come to ₹10,54,865/- per are $(10,13,859 + 7,38,991 + 12,31,527 + 12,35,084/4)$. So, ₹10,54,865/- per are can be taken as the market value of the land acquired in the present case. The above point is answered accordingly.

16. **Point No.2**:- An extent of 43.23 ares of land was acquired and awarded a compensation of ₹3,40,30,607/- to the

claimant. Admittedly, the said land belongs to the claimant. By applying the market value of the land at ₹10,54,865/- per are, the market value of 43.23 ares of land would come to ₹4,56,01,813.95 (₹10,54,865 x 43.23). When the said amount is multiplied by the factor 1, the market value would come to ₹4,56,01,813.95. The Collector awarded ₹69,865/- towards the value of improvements. Claimant has not produced any material to determine the value of structures. Hence the value fixed by the Land Acquisition Officer can be accepted. By virtue of S.69(3), the Authority shall, in every case, award a solatium of 100% of the total compensation. It is well settled that the solatium as contemplated under sub-section (1) of Section 30 of the 2013 Act has to be calculated only on the market value plus the value of the assets attached to the land i.e., total compensation amount as determined as per Sections 26, 27 and 28 of the 2013 Act which shall not include the additional amount at the rate of 12% per annum on such market value as payable under sub-section (3) of Section 30 of the 2013 Act {see RB Dealers Pvt. Ltd. v. the Metro Railway, Kolkata in Special Leave Petition (Civil) No.14078 of 2019

decided on July 17 2019, (2019 INSC 771)}. The market value of land plus the value of assets attached to it would come to ₹4,56,71,678.95 (₹4,56,01,813.95 + ₹69,865). 100% solatium amounts to ₹4,56,71,678.95. By virtue of S.69(2) of the Act, in addition to the market value of the land, as above provided, the Authority shall in every case award an amount calculated at the rate of twelve percent, per annum on such market value for the period commencing on and from the date of the publication of the preliminary notification under section 11 in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier. The preliminary notification under S.11(1) of the Act was published on 10.08.2021. The award was passed on 10.05.2023 and the possession of land was taken on 02.06.2023. So, 12% per annum on ₹4,56,71,678.95 from 10.08.2021 to 10.05.2023 (639 days) is ₹95,94,806.41. The Collector has not awarded any amount under the head of rehabilitation and resettlement benefits, and the claimant has no case that he is entitled to get compensation under the head of rehabilitation and resettlement benefits. Although the

claimant contended that, due to the acquisition of the aforesaid extent of land, the remaining property of the claimant was injuriously affected, there is no material before the Authority to substantiate such a claim. So, the total compensation to be awarded is as follows:

Value of the land	- ₹4,56,01,813.95 (₹10,54,865 x 43.23)
Value of land after multiplying by factor 1	- ₹4,56,01,813.95
Value of the house or other immovable property	- ₹69,865/-
100% Solatium	- ₹4,56,71,678.95
12% of the market value from 10.08.2021 to 10.05.2023 (639 days)	- ₹ 95,94,806.41
Total	- ₹10,09,38,164.31

17. The claimant received an amount of ₹3,40,30,607/- as per the award of the Collector. So, he is entitled to ₹6,69,07,557.31 as additional compensation.

18. **Point No.3:-** In the result,

LAR No.7/2023 is answered in favour of the claimant as follows:

(a) The claimant is entitled to enhanced compensation of ₹6,69,07,557/- (Rupees six crore sixty nine lakh seven thousand five hundred and fifty seven only).

- (b) The claimant is entitled to get 9% interest per annum on the amount for a period of one year from 02.06.2023, the date of possession and thereafter @ 15% per annum till the amount is actually paid/deposited before the authority.
- (c) The claimant is entitled to get proportionate costs.

Dictated to the Confdl. Asst. transcribed and typed by her, corrected and pronounced by me in open court on this the 21st day of April, 2026.

Sd/-
Subash. S
Land Acquisition, Rehabilitation
and Re-Settlement Authority,
Kottayam.

A P P E N D I X:

Exhibits Marked for the Claimants

Ext. A1	15.11.2022	Proceedings of the District Collector Kottayam, No. DCKTM 7315/2019-G1
Ext.A2	23.12.2013	Certified Copy of sale deed No. 3553/2013 of Ettumanoor SRO
Ext.A3	17.06.2016	Certified copy of sale deed No.1415/1/2016 of Ettumanoor SRO
Ext.A4	17.06.2016	Photcopy of sale deed No.1416/1/2016 of Ettumanoor SRO

Ext.A5	24.11.2018	Certified copy of sale deed No. 2620/2018 of Ettumanoor SRO
Ext.A6	30.01.2019	Certified copy of sale deed No.236/1/2019 of Ettumanoor SRO
Ext.A7	06.03.2019	Certified Copy of sale deed No.529/1/2019 of Ettumanoor SRO
Ext.A8	14.11.2019	Certified Copy of sale deed No. 2554/1/2019 of Ettumanoor SRO
Ext.A9	28.04.2021	Certified Copy of sale deed No. 1031/2021 of Ettumanoor SRO
Ext.A10	16.03.2018	Certified Copy of sale deed No. 727/1/2018 of Ettumanoor SRO
Ext.A11	23.03.2018	Certified Copy of sale deed No. 818/1/2018 of Ettumanoor SRO
Ext.A12	05.08.2021	Certified Copy of sale deed No. 1541/2021 of Ettumanoor SRO

Exhibits Marked for the Respondent:

Ext.B1	10.05.2023	Copy of Award No.1/2023 in LAC 1/2023.
Ext.B2	NIL	Claims and apportionment in LAC No.1/2023
Ext.B3	NIL	Form No.6
Ext.B4	21.06.2023	Form No. 6(a)
Ext.B5	21.06.2023	Form No. 6(b)
Ext.B6	NIL	Note to award

**Copy of Award in
LAR No. 7/2023
Dated:- 21.04.2026**

Ext.B7 02.06.2023 Copy of sketch and Mahazar

Ext.B8 05.06.2023 Reference application.

Court Exhibits:

Ext.C1 17.07.2025 Commission report filed by
Advocate Commissioner
Rakhi Navaraj.

Ext.C1(a) 15.07.2025 Google Map printout filed along with
Commission Report.

Witness Examined for Claimant: NIL

Witness Examined for the Respondent: NIL

Court Witness: NIL.

**Id/-
Land Acquisition, Rehabilitation
and Re-Settlement Authority**

//True Copy//

Copied by:
Compared by:

**Sd/-
Subash. S
Land Acquisition, Rehabilitation
and Re-Settlement Authority, Kottayam.**

<u>STATEMENT AS PER O.M.No.D1-60482/1996 DATED 14-01-1997</u> <u>OF THE HONOURABLE HIGH COURT OF KERALA.</u> <u>LAND ACQUISITION, REHABILITATION AND</u> <u>RE-SETTLEMENT AUTHORITY, KOTTAYAM.</u>	
<u>L.A.R. No.7/2023</u>	
a) Purpose of acquisition :	For the construction of Water Treatment Plant for Ettumanoor Municipality
b) Date of notification either under section 3(1) or 4(1) of the act as the case may be	07.09.2020
c) Date on which possession was taken	02.06.2023
d) Date of award, compensation awarded by the Land Acquisition	10.05.2023
i. Land Value of 43.23 Are @ ₹3,37,789/- per Are.	₹1,46,02,618.47
ii. Factor by which Land value multiplied	1
iii. Value of improvements	₹69,865
1. Trees: Nil	
2. Structures: ₹69,865	
iv. Market Value of land (i x ii) + iii)	₹1,46,72,483.47
v. 100% Solatium on Market Value of land	₹1,46,72,483.47
vi. Additional enhancement value @ 12% per annum for (I) of under section 30(3) of LAAR Act 2013 for the period of 976 days from 07.09.2020 to 10.05.2023	₹46,85,640.206
vii. Total	₹3,40,30,607.146
viii. Rehabilitation and Resettlement amount grand (Rounded to)	Nil
ix. Grand Total (Rounded to)	₹3,40,30,607.00
e. Whether the court has enhanced the compensation or Not	Enhanced the compensation

f.	Whether the court has enhanced the compensation, the relevant figures, including the centage	Enhanced the break up compensation.
i	Land Value awarded by the authority (43.23 Ares X 1 X per Are)	₹4,56,01,813.95 ₹10,54,865
ii.	Land value fix @ 43.23 Ares X 1 X ₹ 3,37,789 per Are)	₹1,46,02,618.47
iii	Balance Land Value(i- ii)	₹3,09,99,195.48
iv	Value of improvements	₹69,865
	1. Trees:Nil	
	2. Structures:₹69,865	
v	Total Land Value	₹4,56,71,678.95
vi	100% of solatium of ₹4,56,71,678.95	₹4,56,71,678.95
vii	12% of ₹4,56,71,678.95 (For the period from 10.08.2021 to 10.05.2023, 639 days)	₹95,94,806.41
viii	Rehabilitation Amount	Nil
ix	Total	₹10,09,38,164.31
	Enhanced Compensation (₹10,09,38,164.31 - ₹3,40,30,607)	₹6,69,07,557.31
	The Claimant is entitled to get enhanced compensation of ₹6,69,07,557/- with interest at 9% per annum for one year from 02.06.2023 and thereafter at 15% per annum till the deposit is made.	

ID/-

**Land Acquisition, Rehabilitation
and Re-Settlement Authority.**