IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 25TH DAY OF JULY 2024 / 3RD SRAVANA, 1946

WP(C) NO. 9215 OF 2023

PETITIONER:

MARYKUTTY
AGED 87 YEARS
W/O MATHEW, MANALEL, CMC 30,CHERTHALA P.O.,
ALAPPUZHA, PIN - 688524

BY ADVS.
S.KRISHNAMOORTHY
SNEHA ROSE
P.S.ARUNA

RESPONDENTS:

1 **NATIONAL HIGHWAYS AUTHORITY OF INDIA - NHAI**
REP BY DY GENERAL MANAGER CUM PROJECT DIRECTOR,
NO.36/414(III), NEAR NSS HIGHER SECONDARY SCHOOL,
PALKULANGARA, TRIVANDRUM, PIN - 695024

2 **THE DISTRICT COLLECTOR**
COLLECTORATE, ALAPPUZHA, PIN - 688001

3 **DEPUTY COLLECTOR(SPL)**
LA(NH), COMPETENT AUTHORITY COLLECTORATE,
ALAPPUZHA, PIN - 688001

4 **SPECIAL TAHASILDAR,**
O/O SPECIAL TAHASILDAR LANH, CHERTHALA,
ALAPPUZHA, PIN - 688001

5 **VILLAGE OFFICER**
CHERTHALA NORTH VILLAGE, CHERTHALA,
ALAPPUZHA, PIN – 688524

BY ADV SALIL NARAYANAN K.A.
SMT. DEEPA V., GP
SRI.B.G.BIDAN CHANDRAN - SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

A total extent of 0.02830 hectares of land in the possession of the petitioner was acquired for the widening of the NH-66. Out of the above extent of land, 0.02510 hectares of land fall in Sy. No.197/22 and 0.00320 hectares of land fall in Sy.No.197/23. Since the property falls within two survey numbers, two awards were passed, Exts.P3 and P4. Ext.P3 is with respect to 0.02510 hectares of land situated in Sy. No.197/22 and Ext.P4 is with respect to 0.00320 hectares of land situated in Sy.No.197/23. The amount of compensation covered by Ext.P3 award was disbursed to the petitioner. However, the amount of compensation covered by Ext.P4 award was not released for the reason that the petitioner could not produce the title deed in respect of Sy.No.197/23. It is in these circumstances, the petitioner has approached this Court.

2. I have heard Sri.S.Krishnamoorthy, the learned counsel appearing for the petitioner, Smt.Deepa V., the learned Government Pleader as well as Sri.B.G.Bidan Chandran, the learned Standing Counsel for respondent No.1.

3. The extent of land covered by Exts.P2 and P3 are admittedly in the possession of the petitioner. It is true that the petitioner's title deed does

not cover Sy.No.197/23. However, according to the petitioner there is no rival claimant. Hence, the respondent No.3 is directed to disburse the compensation amount covered by Ext.P4 award to the petitioner, provided there are no rival claimants for that amount. The petitioner shall also file an affidavit before the respondent No.3 undertaking that she will refund the amount, in case any rival claim arises in the future. The amount shall be disbursed by the respondent No.3 to the petitioner within a period of six weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
DR. KAUSER EDAPPAGATH
JUDGE

APA

APPENDIX OF WP(C) 9215/2023

PETITIONER EXHIBITS

EXHIBIT P1	**TRUE COPY OF THE TAX RECEIPT DATED 30.6.2021 ISSUED BY THE 5TH RESPONDENT**
EXHIBIT P2	**TRUE COPY OF THE PROCEEDINGS IN LAC NO.744/2019/CHERTHALA NORTH/S.O.796(E)/A2-842/2022 DATED 16.2.2022**
EXHIBIT P3	**TRUE COPY OF THE PROCEEDINGS IN LAC NO 749/2019/CHERTHALA NORTH/BL0/S.O.796(E) DATED 30.3.2022**
EXHIBIT P4	**TRUE COPY OF THE VALUATION STATEMENT IN RESPECT TO THE LAND TO AN EXTENT OF 0.00320 HECTARES (0.791 CENTS) CENTS WHICH IS WRONGLY NOTIFIED AS IN SY NO. 197/23 OF CHERTHALA NORTH VILLAGE**
EXHIBIT P5	**TRUE COPY OF THE ORDER DATED 1/9/2022 IN WRIT PETITION NO. 24339/2022**