2025:KER:29702

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BASANT BALAJI

FRIDAY, THE 4TH DAY OF APRIL 2025 / 14TH CHAITHRA, 1947

OP(C) NO. 401 OF 2025

LAR NO.5 OF 2024 OF ADDITIONAL DISTRICT COURT - II, THALASSERY

PETITIONER/S:

1 **M. MOOSAN**
AGED 77 YEARS
S/O. MOIDU, ARIFA MANZIL, KANHIRATHARA, CHIRAKKAL, KANNUR, PIN - 670011

2 **SUHARA P.P.**
AGED 61 YEARS
W/O. IBRAHIM P.P., PUNNAKKAL PALLIPURATH HOUSE, KUNNUMKAI CHIRAKKAL, P.O. CHIRAKKAL, KANNUR, PIN - 670011

3 **P.P. NASRI,**
AGED 46 YEARS
W/O. THAHA, P.P. HOUSE (THANSEERAS) ARAYAMBETH, CHIRAKKAL, KANNUR, PIN - 670011

4 **SAFEENA P.T.**
AGED 49 YEARS
D/O. ABDUL AZEEZ, MAJIDA MAHAL, MALOT, P.O. KANNADIPARAMBA, CHELERI P.O., KANNUR, PIN - 670604

5 **JAMEELA P.P.,**
AGED 73 YEARS
W/O. ADAMKUTTY, PUNNAKKAL PALLIPURATH, KUNNUMKAI, P.O. CHIRAKKAL, KANNUR, PIN - 670011

6 **ABOOBACKER P.T.**
AGED 65 YEARS
S/O. ABDURAHIMAN M.M., KOZHIPARAMBATH HOUSE, KAMBIL, KOLACHERY, KANNUR, PIN - 670601

7 **RAHMATH BEEVI P.T.**
AGED 47 YEARS
W/O. ABDUL KHADIR MOULAVI M.P., RAHMATH MANZIL, KOTTAKUNNU, KATTAMPALLI P.O., CHIRAKKAL, KANNUR, PIN - 670011

2025:KER:29702

8 **SHAHIN P.**
AGED 48 YEARS
S/O. C.H ABOOBACKER HAJI, SHAHINS HOUSE, KANNOOKARA, P.O. THANA, KANNUR, PIN - 670012

9 **P. SULAIKHA,**
AGED 68 YEARS
D/O. ABOOBACKER, RASHEEDA MANZIL, ERUMMAL VAYAL, CHIRAKKAL, KATTAMPALLI P.O., KANNUR, PIN - 670011

10 **MARIYAM P.M.**
AGED 54 YEARS
D/O. ABOOBACKAR, DARUSSALAM, KUNHIPALLY, PUZHATHI, KANNUR, PIN - 670005

BY ADVS.R.PARTHASARATHY
SEEMA

RESPONDENT/S:

THE SPECIAL TAHSILDAR & COMPETENT AUTHORITY (LA)
NH UNIT NO. II, KANNUR, PIN - 670001

OTHER PRESENT:

GP SRI. S. UNNIKRISHNAN

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 04.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:29702

JUDGMENT

(Dated this the 4th day of April 2025)

The petitioners are small holders of land in R.S.136 of Chirakkal Amsom, Puzhathi Desom, Kannur District, that has been acquired for the widening of the National Highway. Though they produced their title deeds with respect to their properties before the competent authority, an award was passed, but the payment was not effected, and the compensation was deposited in Civil Court under Section 3H of the National Highways Act.

2. The counsel for the petitioners submits that the petitioners have no title disputes and no rival claims over the properties, and the court below ought to have disbursed the compensation at the earliest. Since no orders were passed, this original petition is filed for a direction to take up LAR Nos.03, 05, 16, 20, 21, 27, 28, 31, and 33 of 2024

2025:KER:29702

and dispose of the same within a time frame.

3. A report dated 19.02.2025 was obtained from the Additional District and Sessions Court-II, Thalassery, wherein it is stated that except L.A.R. Nos.20 & 33 of 2024, all the above-mentioned references were posted on 18.10.2024 for the appearance of the respondents.

4. The respondent filed a claim statement, and the case was posted to 04.01.2025 for the counter of the Special Tahsildar. The counter was filed on the same day and the cases were adjourned for evidence to 31.01.2025. Since the Additional Government Pleader was not present on 31.01.2025, the cases were adjourned to 22.02.2025 for evidence and for marking documents. In LAR 20 of 2024, the respondents/claimants appeared on 18.10.2024 and filed vakalath and claim statement. The counter was filed on 20.12.2024 and was adjourned to 31.01.2025, and the same

2025:KER:29702

was again adjourned to 22.02.2025. In LAR No.33 of 2024, respondents/claimants appeared on 06.12.2024 and the claim statement was filed on the very same day. The case now stands posted to 05.04.2025 for the counter of the petitioner/Special Tahsildar.

5. Heard counsel on either side.

6. The learned District Judge has stated in the report that except LAR No.33 of 2024, all other LARs can be disposed of before 31st March 2025.

7. The review petitioners in the R.P. claimed that they are entitled to compensation for the land acquired and they are necessary parties in the land acquisition reference. Therefore, liberty is given to the review petitioners to file impleading petition in the L.A.Rs within 2 weeks, after summer holidays and after the impleading petitions are filed, the same shall be taken into consideration and

2025:KER:29702

dispose of the same, in accordance with law. The court below shall afford opportunity of hearing to all the parties, including the Review Petitioners in the R.P., and pronounce the final judgment in the L.A.Rs on or before 31st July 2025. If the impleading petitions are not filed before the time prescribed, L.A.Rs shall be taken for orders, without impleading them in the party array.

The Original Petition is disposed of as above.

Sd/-
BASANT BALAJI
JUDGE

dl/

2025:KER:29702

APPENDIX OF OP(C) 401/2025

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE AWARD DATED 26.03.2021 PASSED BY THE COMPETENT AUTHORITY IN LAC NO.7787**
Exhibit P2	**TRUE COPY OF THE REFERENCE UNDER SECTION 3H (4) OF THE NATIONAL HIGHWAYS ACT DATED16.09.2021**
Exhibit P3	**TRUE COPY OF THE ADVOCATE COMMISSIONER'S REPORT DATED 20.05.2023**
Exhibit P4	**TRUE COPY OF THE PLAN SUBMITTED BY THE ADVOCATE COMMISSIONER**
Exhibit P5	**TRUE COPY OF THE JUDGEMENT IN O.P. (C) 2285/2023 DATED 30.10.2023**
Exhibit P6	**TRUE COPY OF THE NOTICE WITH RESPECT TO 1ST PETITIONER'S REFERENCE NUMBERED AS LAR (NHA) NO.05/2024 DATED 22.08.2024**
Exhibit P7	**TRUE COPY OF THE NOTICE WITH RESPECT TO 2ND PETITIONER'S REFERENCE NUMBERED AS LAR (NHA) NO.03/2024 DATED 22.08.2024**
Exhibit P8	**TRUE COPY OF THE NOTICE WITH RESPECT TO 3RD PETITIONER'S REFERENCE NUMBERED AS LAR (NHA) NO.16/2024 DATED 27.08.2024**
Exhibit P9	**TRUE COPY OF THE NOTICE WITH RESPECT TO 4TH PETITIONER'S REFERENCE NUMBERED AS LAR (NHA) NO.20/2024 DATED 27.08.2024**
Exhibit P10	**TRUE COPY OF THE NOTICE WITH RESPECT TO 5TH PETITIONER'S REFERENCE NUMBERED AS LAR (NHA) NO.21/2024 DATED 27.08.2024**
Exhibit P11	**TRUE COPY OF THE NOTICE WITH RESPECT TO 6TH PETITIONER'S CLAIM NUMBERED AS LAR (NHA) NO.27/2024 DATED 27.08.2024**
Exhibit P12	**TRUE COPY OF THE NOTICE WITH RESPECT TO 7TH PETITIONER'S REFERENCE NUMBERED AS LAR (NHA) NO.28/2024 DATED 11.09.2024**
Exhibit P13	**TRUE COPY OF THE NOTICE WITH RESPECT TO 8TH**

2025:KER:29702

	PETITIONER'S REFERENCE NUMBERED AS LAR (NHA) NO.31/2024 DATED 11.09.2024
Exhibit P14	**TRUE COPY OF THE NOTICE WITH RESPECT TO 9TH &10TH PETITIONER'S REFERENCE NUMBERED AS LAR (NHA) NO.33/2024 DATED 29.10.2024**