VERDICTUM.IN
CNR : KLHC010102212026

2026:KER:86555

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

FRIDAY, THE 13TH DAY OF NOVEMBER 2026 / 22ND KARTHIKA, 1948

WP(C) NO. 4681 OF 2026

PETITIONER:

JOSE A.M., AGED 66 YEARS
S/O. MAANI, AANIKUDIYIL, NELLIPOYIL VILLAGE,
THAMARASSERI THALUK, MUTHAPPANPUZHA P.O, KOZHIKODE,
PIN - 673603

BY ADVS.
SHRI.T.R.S.KUMAR
SMT.K.M. FATHIMA RISA
SMT.ASWATHY V.S.
SMT.VIDHYA SUGUNAN
SMT.KRISHNAJA SURESH R.
SMT.ANITHA PAUL
SMT.ANJANA SASIKUMAR
SMT.SARIGA RAMACHANDRAN M.
SMT.RIYA SIMON
SMT.ALEEN P SHAMS

RESPONDENTS:

1 THE DISTRICT COLLECTOR
DISTRICT COLLECTOR OFFICE, KOZHIKODE COLLECTORATE,
CIVIL STATION P.O, KOZHIKODEKOZHIKODE, PIN - 673020

2 SPECIAL TAHSILDAR LA KIIFB
CIVIL STATION COMPLEX,ERANHIPPALAM,KOZHIKODE,KERALA,
PIN - 673020

3 THE EXECUTIVE OFFICER
PWD ROADS DIVISION, KOZHIKODE, PIN - 673020

VERDICTUM.IN
CNR : KLHC010102212026

2026:KER:86555

4 MANUAL
AGED 59 YEARS
S/O MAANI, AANIKUDIYIL HOUSE, MUTHAPPANPUZHA P.O, THIRUVAMBADI, KOZHIKODE, PIN - 673608

5 SALY
D/O MAANI, AGED 59 YEARS, KOZHUPLAKKAL, AANIKUDIYIL HOUSE, MUTHAPPANPUZHA THIRUVAMBADI, CHEMPUKAVU. KODANCHERY, KOZHIKODE, PIN - 673608

6 JESSY
D/O MAANI, AGED 54 YEARS, AANIKUDIYIL HOUSE, NELLIPOYIL VILLAGE, THAMARASSERI THALUK, PIN - 673608

7 MARY JOSEPH
D/O MAANI, AGED 59 YEARS, KOZHUPLAKKAL, AANIKUDIYIL HOUSE, NELLIPOYIL VILLAGE, THAMARASSERI THALUK, PIN - 673608

8 JANCY
AGED 49 YEARS, D/O. LATE MAANI, ANIKUDIYIL HOUSE, KUNDANTHODU, THIRUVAMBADI, KOZHIKODE DISTRICT, PIN - 673603

BY ADVS.
SHRI.GEORGE SEBASTIAN
SHRI.ADITYA T.P.
SMT.NIKHITA MARIAM CIBU
SRI.SREEHARI INDUKALADHARAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05.11.2026, THE COURT ON 13.11.2026 DELIVERED THE FOLLOWING:

VERDICTUM.IN
CNR : KLHC010102212026

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J U D G M E N T

Ext.P5 judgment rendered by the Land Acquisition Rehabilitation and Resettlement Authority (Additional District Court-IV), Kozhikode, in L.A.R No.38/2024 in a reference under Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the LARR Act'), is under challenge in this writ petition filed by the 'A' party in that proceedings.

2. The issue is related to the apportionment of shares of the amount of Rs.3,74,34,449/- deposited by the second respondent herein before the above Court as the total award amount, including solatium in terms of Section 30 of the LARR Act, in connection with the acquisition of 3.295 Acres of land which belonged to the father of the petitioner and respondents 4 to 8. The petitioner would contend that the respondents 4 to 8, who are his siblings, are not entitled to any share of solatium since they have not undergone any pain and sufferings of the acquisition of the land belonging to their father. Another contention raised by the petitioner is that the 4th respondent had entered into Ext.P3 agreement in the form of family settlement, relinquishing his

right over the properties of his father, and hence he is not entitled for a share of the compensation amount. The petitioner would further contend that the 6th respondent has become a nun who attained the status of 'civil death', and hence she is not entitled to a share of the compensation. The Rehabilitation and Resettlement Authority repelled all the above contentions, and passed the impugned judgment directing the release of the amount in deposit equally among the petitioner and the respondents 4 to 8. The aforesaid judgment is under challenge in this writ petition.

3. Heard the learned counsel for the petitioner, the learned Government Pleader representing the respondents 1 to 3 and the learned counsel for respondents 4 to 8.

4. It is true that the term 'solatium' has got the meaning of compensation/damages allowed for injury to the feelings and mental sufferings. Wharton's Law Lexicon characterises 'solatium' as an expression of solace or a compassionate allowance given to a person to mitigate the hardship, inconvenience or emotional pain caused by an involuntary act, such as the forced taking of their property. In P.Ramanatha Aiyar's Law Lexicon (Indian context), 'solatium' is defined

as a solace for loss, which emphasises that in compulsory land acquisition, solatium is a statutory addition to the market value of the property, awarded as a matter of right, to soothe the feelings of an owner, who is forced to part with his land against his will. Judicial precedents view solatium as a necessary component of just compensation, acknowledging that losing property involves more than just a loss of real estate, it often involves a loss of livelihood, community and emotional security. Unlike market value, which covers the financial worth of the land, solatium is intended to address non-pecuniary losses, such as the distress of being forced to leave one's home or ancestral property.

5. In the present case, the property which was acquired admittedly belonged to the father of the petitioner and respondents 4 to 8. In that sense, it is the ancestral property of the petitioner and respondents 4 to 8. It may be true that the respondents 4 to 8 might be residing away from the acquired property pursuant to their shifting from their parental home during the course of their life. But, that does not mean that their emotional attachment with their ancestral property would have been lost by such shifting. So also, the petitioner, who is

VERDICTUM.IN

said to be residing near to the acquired property, and who had been managing the affairs of the said property till its acquisition, cannot be expected to have suffered an emotional trauma or suffering more than the emotional trauma or suffering undergone by respondents 4 to 8 in connection with the above acquisition of the land belonging to their father. This is especially so, since the management and looking after of the property by the petitioner as a co-owner of the property could only be termed as an act done as a representative of all the co-owners of that property. There is no basis for the contention that the aforesaid act of the petitioner taking care of the ancestral property for and on behalf of the co-owners of that property would confer him any special right to have exclusive allotment of solatium. Therefore, the challenge raised by the petitioner in the above regard is bereft of merit.

6. The contention of the petitioner that the 4th respondent has relinquished his rights over the property of their predecessor in view of the execution of Ext.P3 agreement, is prima facie unsustainable since the said document is legally invalid due to non-registration. It is well settled that if the terms of a family arrangement are reduced into writing, it requires registration to have legal validity. Of course, it is

true that, after the making of a family arrangement, if a mere memorandum is prepared for the purpose of record, such a memorandum does not require registration since that document by itself does not create or extinguish any rights in immovable properties. As far as Ext.P3 is concerned, it is apparent from the said document that the extinguishment of the right of the 4th respondent over the family property was sought to be created by the said document. That being so, Ext.P3 is a compulsorily registrable document under Section 17 r/w Section 49 of the Registration Act. Therefore, the aforesaid unregistered document cannot be acted upon in any legal proceedings. Needless to say, the contention of the petitioner in the above regard, is totally untenable.

7. As regards the disqualification attributed to the 6th respondent to have a share of the compensation in view of her becoming a nun, it has to be stated that the law is well settled with the decision of the Hon'ble Supreme Court in **Molly Joseph v. George Sebastian [1997 (1) KLT 1 (SC)]** that the law enacted by the Legislature would prevail and override any personal law, usage or custom. The Indian Succession Act, 1925 does not make any departure

VERDICTUM.IN
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in the matter of inheritance or succession of a Christian priest or nun. The proposition of law in the above regard is followed by a Division Bench of this Court in **M.S.G.R Xavier Chullikkal and Others v. C.G.Raphel and Others [2017 (3) KHC 193]** wherein it has been held that the mere fact that one has entered into a religious order and renounced his worldly pleasures, would not automatically result in the deprivation of property acquired by way of intestate or testamentary succession. The same view has been followed by this Court in **Mariyam @ Beatrice v. Fr.Joseph Mattam (Died) [2024 KHC 123].** Therefore, the contention of the petitioner against the entitlement of the 6th respondent to have a share of the compensation amount, is totally unfounded. As a conclusion to the above decision, I find that the present writ petition is devoid of merit.

In the result, the writ petition is hereby dismissed.

(sd/-)
G. GIRISH, JUDGE

jsr

VERDICTUM.IN
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APPENDIX OF WP(C) NO. 4681 OF 2026

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF AWARD DATED 07.03.2024**
Exhibit P2	**TRUE COPY OF CLAIM STATEMENT DATED 14.11.2024**
Exhibit P3	**TRUE COPY OF AGREEMENT DATED 29.08.2009**
Exhibit P4	**A DETAILED ARGUMENT NOTE FILED BY THE PETITIONER BEFORE THE REFERENCE AUTHORITY**
Exhibit P5	**TRUE COPY OF ORDER DATED 04.10.2025 IN LAR NO.38/2024**