



WA NO.2098 OF 2025

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2025:KER:67466

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

FRIDAY, THE 12TH DAY OF SEPTEMBER 2025 / 21ST BHADRA, 1947

WA NO. 2098 OF 2025

AGAINST THE JUDGMENT DATED 11.08.2025 IN WP(C) NO.1542 OF

2022 OF HIGH COURT OF KERALA

APPELLANT/PETITIONER :

SARAVANABHAVA,
AGED 61 YEARS
S/O.NATARAJAN,
PUTHENTHERUVIL,
KOTTAPURAM,
ALANGAD,
ERNAKULAM DISTRICT
PIN-683511.

BY ADVS.
SHRI.P.K.SREEVALSAKRISHNAN
SHRI.K.R.PRATHISH
SRI.S.UNNIKRISHNAN (NELLAD)
SMT.KRISHNA DAS
SHRI.AKHIL BABU

RESPONDENTS/RESPONDENTS :

1 THE DISTRICT COLLECTOR,
ERNAKULAM,
CIVIL STATION,
KAKKANAD,



ERNAKULAM DISTRICT
PIN-682030.

- 2 SPECIAL DEPUTY COLLECTOR,
COMPETENT AUTHORITY,
LAND ACQUISITION,
(N.H. 66) ,
ERNAKULAM,
NORTH PARAVUR,
PIN - 683513
- 3 THE TAHSILDAR,
PARAVUR TALUK OFFICE,
N. PARAVUR,
ERNAKULAM-683513.
- 4 THE TALUK SURVEYOR,
PARAVUR TALUK OFFICE,
N. PARAVUR,
ERNAKULAM-683513.
- 5 THE VILLAGE OFFICER,
VADAKKEKARA VILLAGE OFFICE,
PARAVUR TALUK,
ERNAKULAM
PIN-683522.
- 6 THE PROJECT DIRECTOR,
NATIONAL HIGHWAY AUTHORITY OF INDIA,
MAVELIPURAM ROAD,
KAKKANAD,
ERNAKULAM,
PIN-682030.
- 7 SUSHEELA,
W/O.LATE VASUDEVAN,
VADAKKAN VEETIL,
VADAKKEKKARA P.O. ,
ERNAKULAM DISTRICT
PIN-683522.
- 8 BAIJU,
S/O. SUSHEELA,
VADAKKAN VEETIL,
VADAKKEKARA,



VADAKKEKKARA P.O.,
ERNAKULAM
PIN-683522.

- 9 SHAIJU,
S/O. SUSHEELA,
VADAKKAN VEETIL,
VADAKKEKKARA,
VADAKKEKKARA P.O.,
ERNAKULAM
PIN-683522.
- 10 RANVAVALI (DELETED)
D/O. PARAMESHWARAN,
CHAMPUSHERI,
KALLETTINTHARA,
MURAVANTHURUTH,
VADAKKEKKARA P.O.,
ERNAKULAM
PIN-683522--- DELETED FROM THE PARTY ARRAY
AS PER THE ORDER DTD 16.8.2024 IN
IA 4/2024 IN WPC.
- 11 SABU (DELETED)
S/O. BALAKRISHNAN,
KANDATHIL,
MURUVANTHURUTH KARA,
VADAKKEKKARA P.O.,
ERNAKULAM
PIN-683522--- DELETED FROM THE PARTY ARRAY
AT THE RISK OF THE PETITIONER AS PER THE
ORDER DTD.19.6.24 IN IA 2/23 IN THE WPC.
- 12 LUCY,
W/O. JOSEPH,
PAINEDATHU,
VADAKKEKKARA P.O.,
ERNAKULAM
PIN-683522.
- 13 RAMESH P.V.,
S/O. VIJAYAN,
POOVANTHARA,
THAZHAMTHURUTH,



VADAKKEKKARA P.O.,
ERNAKULAM
PIN-683522.

- 14 BABY (DELETED)
 W/O. VALSAN,
 VALIYA VEETIL,
 THIRUTHIPURAM,
 VADAKKEKKARA P.O.,
 ERNAKULAM
 PIN-683522. DELETED FROM THE PARTY ARRAY
 AT THE RISK OF THE PETITIONER AS PER THE
 ORDER DTD 1.7.24 IN IA 3/24 IN THE WPC
- 15 THANKAMANI,
 D/O. PARAMU,
 POOVANTHURUTH,
 VADAKKEKKARA P.O.,
 ERNAKULAM
 PIN-683522.
- 16 VINOJ V.V.,
 S/O. VALSAN,
 VALIYAPURAKKAL VEEDU,
 VADAKKEKKARA P.O.,
 ERNAKULAM
 PIN-683522.
- 17 BHAVANI (DELETED)
 W/O. GOPALAN,
 CHETTITHARA,
 MURUVANTHURUTH,
 VADAKKEKKARA P.O.,
 ERNAKULAM
 PIN-683522--- DELETED FROM THE PARTY ARRAY
 AT THE RISK OF THE PETITIONER AS PER THE
 ORDER DTD. 19.6.24 IN IA 2/23 IN THE WPC.
- 18 AMMINI (DELETED)
 D/O. PADMAKSHI,
 CHIRIYAMVEETIL,
 MURUVANTHURUTH,
 VADAKKEKKARA P.O.,
 ERNAKULAM
 PIN-683522--- DELETED FROM THE PARTY ARRAY



AT THE RISK OF THE PETITIONER AS PER THE ORDER
DTD. 19.6.24 IN IA 2/23 IN THE WPC.

19 GOPALAN (DELETED)
 S/O.KRISHNAN,
 CHETTITHARA,
 MURUVANTHURUTH,
 VADAKKEKKARA P.O.,
 PIN-683522--- DELETED FROM THE PARTY ARRAY
 AT THE RISK OF THE PETITIONER AS PER THE ORDER
 DTD. 19.6.24 IN IA 2/23 IN THE WPC.

BY ADVS.
SHRI.MATHEWS K.PHILIP, SC, NHAI
SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.V.T.LITHA
SMT.K.R.MONISHA
SRI.T.K.SHAJAHAN, SR.GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
10.09.2025, THE COURT ON 12.09.2025 DELIVERED THE
FOLLOWING:

**"C.R."****J U D G M E N T**

Dated this the 12th day of September, 2025

A.Muhamed Mustaque, J.

In this appeal, we have to decide a question as to the contextual meaning of 'dispute' referred to in Section 3H(4) of the National Highways Act, 1956 (hereinafter referred to as "NH Act"). This provision provides for reference of disputes by the competent authority to the decision of the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated. It states that in the following circumstances, the disputes shall be referred to the civil court.

(a) Dispute as to the apportionment of the amount.

(b) Dispute as to the person to whom compensation is payable.

2. The provision is obvious as the legislature was conscious of the fact that the competent authority cannot



decide on the dispute in regard to the title of the land which was subjected to acquisition, invoking the provision under the NH Act. Therefore, we have to interpret the statutory provision keeping in mind the objective of the legislation.

3. A dispute may arise in several circumstances. The question, however, is whether the statutory provision contemplates that every such dispute must be referred to the civil court for decision. If the answer is in the negative, the further enquiry is what constitutes a "reference of a dispute" to the civil court within the meaning of the statute. Disputes have both subjective and objective elements. Subjective element means what constitutes a factual matrix for an authority to act upon. An objective element relates to the scope of enquiry defined by the authority's statutory power to adjudicate. It can be concluded that disputes qualified for reference would arise only in circumstances where the competent authority cannot, by itself and without the aid of the adjudication process, decide on the title or interest of the party or the claimant. However, in circumstances where the



title deed or any other document relied on by the claimant is complete and valid on its face, the competent authority is not expected to refer such a dispute to the civil court, even though the dispute has arisen by challenging the title deed or document relied on by the claimant. There may be situations where a document or title deed relied upon by the claimant is capable of being challenged before a civil court. For instance, the validity of execution of a gift deed, or any other legally recognised instrument conveying title or interest, whether testamentary or non-testamentary, may be questioned in such proceedings. However, the mere fact that a party raises a challenge to such a document does not oblige the competent authority to refer to the civil court. Unless and until the document is impeached in proceedings before a competent civil court, it continues to remain valid and binding for the competent authority to act upon. A dispute which the competent authority may refer under Section 3H(4) of the NH Act must be one that the competent authority cannot decide without adjudication, and it must be a dispute from the



perspective of the competent authority and not from the perspective of the person challenging it. Merely for the reason that a third party could challenge such a document, the competent authority is not bound to refer such a dispute to the civil court. The remedy still available for such a person is to question or impeach the title deed in appropriate proceedings before the civil court, independent of the provisions under the NH Act. Sometimes, such a challenge will be barred from adjudication by operation of the provisions of the Limitation Act, 1963, and such parties cannot get immunity from the limitation law in the guise of a reference from the competent authority.

4. In this case, the appellant, who was the writ petitioner, claims that he is entitled to the compensation amount awarded in favour of the party respondents. The precise case is that the property, which was acquired, was covered by the Ext.P1 settlement deed. The appellant claims that Ext.P1 is a settlement deed executed by his father when he was a minor. According to the appellant, his father,



Mr.Natarajan, had transferred the property without obtaining permission from the civil court. The deed was executed in the year 1968. We are not expressing our opinion on the validity of any document executed by his father in favour of the third parties from whom the National Highways Authority acquired the land.

5. The learned Single Judge examined the matter and opined that such a challenge is hit by the provisions of the Limitation Act. We are of the view that such an observation was unnecessary. The question that needed to be considered was whether the dispute ought to have been referred to the civil court as provided under Section 3H(4) of the NH Act. Given the fact that compensation was disbursed based on the title deed produced by the party respondents and that the competent authority had not committed any error in acknowledging the said title deed, there was no need for referring such a dispute to the civil court under Section 3H(4) of the NH Act. It is for the appellant to impeach the title deed by instituting a separate civil suit, and he cannot invoke the



provisions of reference under the NH Act as a means to raise such a challenge in acquisition proceedings initiated under the NH Act.

6. Thus, we reserve liberty to the appellant to challenge the title of the party respondents before the civil court, independent of the acquisition proceedings under the NH Act, subject to the law of limitation. Any observations in the impugned judgment stand modified as to the application of the Limitation Act. The question of limitation can be decided in such a civil suit and accordingly is left open.

The Writ Appeal stands disposed of with the above findings.

Sd/-

**A.MUHAMED MUSTAQUE
JUDGE**

Sd/-

**HARISANKAR V. MENON
JUDGE**