

In the Court of Principal District Judge, Kanyakumari District at Nagercoil.

Present : Thiru B. Karthikeyan, B.L.,
Principal District Judge.

Monday, the 30th day of March, 2026.

LAOP No.89/2024

(CNR No.TNKK01-005388-2024)

1. The District Collector,
Kanyakumari at Nagercoil.
2. The Divisional Railway Manager,
DRM Office Campus,
Southern Railway,
Thycaud, Trivandrum 695 014.

.. Referring Officer

- Vs -

1. Kottar Vagaiku Trustees,
Chithambaram Chettiyar
Kottar Chettu Nainar Desika Vinayagar Devasdhanam.
2. Shankarakumar,
S/o. Kumaraswamy Chettiyar,
Kottar Chettu Nainar Desika Vinayagar Devasdhanam.
3. Ramanujam Chettiyar,
Kottar Chettu Nainar Desika Vinayagar Devasdhanam.
4. Kasinatha Mupanar,
S/o. Chinnu Mupanar,
Kottar Chettu Nainar Desika Vinayagar Devasdhanam.
5. Shankara Narayana Chettiyar,
S/o. Madankutty Chettiyar,
Kottar Chettu Nainar Desika Vinayagar Devasdhanam.

6. Shankaralingam Chettiyar,
S/o. Arumugaperumal Chettiyar,
Kottar Chettu Nainar Desika Vinayagar Devasdhanam..

Additional:

7. V. Nagarajan,
S/o. Velu Chettiyar,
Trustee,
Kottar Chettu Nainar Desiga
Vinayagar Devasthanam Trust.
8. A. Chockallingam,
S/o. Alkondan Chettiyar,
Trustee,
Kottar Chettu Nainar Desiga
Vinayagar Devasthanam Trust.
9. Venkatesh,
S/o. Theriappan,
Trustee,
Kottar Chettu Nainar Desiga
Vinayagar Devasthanam Trust.
10. Ramachandran,
S/o. Aundy Chettiyar,
Trustee,
Kottar Chettu Nainar Desiga
Vinayagar Devasthanam Trust.
11. Subramonian,
S/o. Sivathanumalayan Chettiyar,
Trustee,
Kottar Chettu Nainar Desiga
Vinayagar Devasthanam Trust.

(Additional respondents 7 to 11 are impleaded
as per order in IA 1/2025, dated 19.08.2025)

...Respondents/Claimants

This petition coming on 24.03.2026 for final hearing before me
in the presence of

Thiru C. Johnson	-	Government Pleader for the referring officer
Thiru C.A. Raja Kunjaram	-	Advocate for the respondents 7 to 11

and upon hearing both side and upon perusing the materials available on
record and having stood over for consideration till this day, this court
delivered the following:

ORDER

Invoking Section 77(2) of the Right to Fair Compensation and
Transparency in Land Acquisition, Rehabilitation and Resettlement Act,
2013, the Collector has deposited a sum of Rs.35,27,862/- being the
compensation payable to the land owner for the land admeasuring 0.05.50
Hectares in survey No.79/3C of Vadiveeswaram East Village, Agasteeswaram
Taluk, Kanniyakumari District acquired under the said Act on behalf of
Southern Railways by stating that though the patta stands in the name of one
Chithambaram Chettiyar, Shankara Kumaru Chettiyar, Ramanujam Chettiyar,
Kasinatha Mupanar, Shankara Narayanan Chettiyar and Shankaralingam
Chettiyar as trustees of Kottar Chettu Nainar Desiga Vinayagar
Devasthanam, when notice was issued to the land owner, the trustees
appeared before the Collector and they did not produce any title document in

the name of the trust. Reckoning that there is no person competent to alienate the land, the amount has been deposited into CALA namely this court by a cheque.

2. The said reference has been taken on file as LAOP No.89/2024.

3. The present trustees of the trust filed IA No.1/2025 seeking to implead themselves in the present reference and the same was allowed on 19.08.2025. Subsequent to this, they had filed the written statement making claim to the compensation amount. RW1 has been examined on behalf of the claimant and the Tahsildar concerned has been examined as CW1. Ex.R1 to Ex.R7 and Ex.C1 and Ex.C2 have been marked.

4. The only point that requires to be decided is whether Trustees of the Kottar Chettu Nainar Desiga Vinayagar Devasthanam can be said to be the persons entitled to alienate the property and consequently to receive the compensation under the proviso to Sec.77(2) of the RFCTLARR Act?

5. One Subramoniam has been examined as RW1 and has filed a proof affidavit stating that Nainar Desiga Vinayagar Devasthanam Trust, Kottar is being administered as per the scheme framed by the I Additional

Sub Court, Nagercoil in OS 45/1094 M.E. marked as Ex.R1. In terms of bye-law 12 of the scheme, 5 trustees have to be selected by the trust members who shall manage the affairs of the trust for a period of 5 years. Pursuant to the order passed in EA No.3/2019 by the I Additional Subordinate Judge, Nagercoil marked as Ex.R2, 5 trustees were elected and the said election results was confirmed by the I Additional Subordinate Judge, Nagercoil on 14.07.2020. Subsequently, another election was held on 07.12.2025 and the present respondents 7 to 11 namely V. Nagarajan, A. Chockalingam, Venkatesh, Ramachandran and Subramonian have been elected as trustees and the Advocate Commissioner appointed by the court to conduct election has filed his report before the I Additional Sub Court, Nagercoil on 09.01.2026. This report also has been accepted by the I Additional Sub Court, Nagercoil on 23.02.2026 in EA No.3/2025. This is ascertained by calling for the relevant records and perusing the same. A copy of order dated 23.02.2026 is also marked now as Ex.C2. Thus, it is clear that V. Nagarajan, A. Chockalingam, Venkatesh, Ramachandran and Subramonian, viz., the respondents 7 to 11 are the present trustees of Kottar Chettu Nainar Desiga Vinayagar Devasthanam Trust.

6. The patta in respect of the said property in the name of the aforesaid trust has been marked as Ex.R3 and the settlement land register has

been marked as Ex.R4. This has been reassured by examining the Tahsildar of the Taluk concerned as CW1 who has confirmed that the patta for the said property stood in the name of Kottar Chettu Nainar Desiga Vinayagar Devasthanam. In such circumstances, this authority is of the view that Ex.R3 patta and Ex.R4 copy of settlement land register establishes that Kottar Chettu Nainar Desiga Vinayagar Devasthanam is the owner of the property, which has been acquired under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act and therefore, the compensation amount of Rs.35,27,862/- is payable to the Trustees of Kottar Chettu Nainar Desiga Vinayagar Devasthanam Trust, upon whom the trust properties vest as per law.

7. RW1 Subramoniam, one of the trustees who adduced evidence had stated that the said trust has savings account with Bank of Maharashtra, Nagercoil Branch in account No.60421623099 and the copy of savings bank account pass book has also been marked as Ex.R5.

8. In such circumstances, the award amount of Rs.35,27,862/- together with accrued interest, if any, shall be payable to Chettu Nainar Desiga Vinayagar Devasthanam, Kottar being the compensation amount payable to the said trust as per the award No.9/2023, dated 20.12.2023 in

connection with the acquisition of land admeasuring 0.05.50 Hectares in Survey No.79/3C of Vadiveeswaram East Village, Agasteeswaram Taluk, Kanniyakumari District.

9. In the result,

(i) An amount of Rs.35,27,862/- deposited by the Collector into this court, together with accrued interest, towards compensation for the land admeasuring 0.05.50 Hectares in Survey No.79/3C of Vadiveeswaram East Village, Agasteeswaram Taluk, Kanniyakumari District acquired under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in Award No.9/2023, dated 20.12.2023 shall be paid to the Nainar Desiga Vinayagar Devasthanam, Kottar.

(ii) This amount is directed to be deposited into a nationalized bank as a fixed deposit for a period of three years, renewable automatically, in the name of the said trust, and the monthly/quarterly interest thereon shall be directly credited into the SB A/c No.60421623099 of the trust with Bank of Maharashtra, Nagercoil Branch and the trustees shall be at liberty to utilise the interest so received, for fulfilling the objects of the trust.

(iii) The amount lying in the fixed deposits shall not be withdrawn without the prior permission of this court.

Dictated to the Steno-typist, transcribed and typed by her, corrected and pronounced by me in open court, this the 30th day of March, 2026.

Sd/-

Principal District Judge,
Kanniyakumari at Nagercoil.

Witnesses examined on the side of the referring officer:

Nil.

Witnesses examined on the side of the respondents/claimants:

RW1 Subramoniam (11th respondent)

Witness examined through Court:

CW1 T. Kanthasamy, Tahsildar, Agasteeswaram Taluk.

Exhibits marked on the side of the referring officer:

Nil.

Exhibits marked on the side of the respondents/claimants:

Ex.R1	-	Scheme as per decree in AS No.450/1098 of Travancore High Court (OS No.45/1094 ME on the file of I Addl. Sub Court, Nagercoil).
Ex.R2	11.01.2020	Copy of commissioner's report along with elections proceedings and order dated 14.07.2020 in EA No.3/2019 in OS

45/1094 ME on the file of I Additional Sub Court, Nagercoil.

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| Ex.R3 | - | Copy of patta extract. |
| Ex.R4 | - | Copy of land register (SLR). |
| Ex.R5 | - | Copy of 1 st page of bank passbook. |
| Ex.R6 | - | Copy of judgment in AS 450/1098 of Travancore High Court.
(Tamil translation copy). |
| Ex.R7 | 09.01.2026 | Copy of commissioner's report along with elections proceedings in EA No.3/2019 in OS 45/1094 ME on the file of I Additional Sub Court, Nagercoil. |

Exhibits marked through court:

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|-------|------------|---|
| Ex.C1 | series | Certified copy of 'A' register, FMB sketch and adangal. |
| Ex.C2 | 23.02.2026 | Copy of order in EA No.3/2025 in OS No.45/1094 M.E. on the file of I Additional Sub Court, Nagercoil. |

Sd/-
P.D.J.

Principal District Court,
Nagercoil.
Fair Order in
LAOP No.89/2024
Dt.: 30.03.2026