In the Court of the Principal District Judge, Thoothukudi.

Present : Tmt.S.Subadevi, B.A., B.L., M.B.A.,
Principal District Judge, Thoothukudi.

Friday, the 17th day of July 2026.

L.A.O.P No.342/2023

[CNR No.TNTT01-007565-2023]

1) Thamira Green Farms Private Limited,
Door No.1824/4 Gowtham Apartments,
First Floor, 18th Main Road,
Anna Nagar West,
Chennai – 600 040.

2) S.Muthukumar, S/o.Sundaram, 7/A, Sri Balaji Nagar, Thandalam, Thiruvallur.

3) Tax Recovery Officer,
Central 2 Chennai,
Income Tax Department,
Room No.119, 1st Floor,
Investigation Building,
No.46 (Old No.108),
Mahatma Gandhi Road,
Chennai – 600 034.

… Claimants

// versus //

S SUBA DEVI

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The District Collector, Collectorate,
Thoothukudi,
Thoothukudi District. ... Referring Officer

This petition has come up before this court on 05.06.2026 for final hearing in the presence of Thiru.L.Chrispin Koildass, Advocates for the 2nd claimant, the reference against the 1st claimant was closed on 09.10.2025 Thiru.A.K.Balaji, Advocate undertakes to file vakalath for the 3rd claimant, later on, vakalath was not filed and no representation for the 3rd claimant and hence, the 3rd claimant was also called absent and set exparte, Thiru.J.Francis Jude Vinoth, Additional Government Pleader (LAOP) for the Referring Officer, upon hearing both side arguments and on perusing the records available and having stood over for consideration till this day, this court delivers the following:

ORDER

1) The Referring Officer has made this reference under Sections 26, 27, 30, 64 and 77(2) of RFCTLARR Act, 2013 to disburse the compensation amount of Rs.22,79,131/- to the land owners / interested parties of the land measuring 0.59.00 Hec., in S. No.643/1 of Madhavankurichi Village, Tiruchendur Taluk, which was acquired for establishing a new launch station

for SSLV in favour of ISRO/Department of Space in Madhavankurichi Village, Tiruchendur Taluk and Padukkapathu, Pallakurichi villages of Sathankulam Taluk.

2) **<u>The facts leading to the filing of present L.A.O.P are as follows :</u>**

As per Madhavankurichi Village records, S.Nos.643/1 and 643/3 were classified as Punja land and its total extent is 1.76.00 Hec. The said survey number was jointly registered in the name of (1) Esakkimuthu Konar S/o. Kumaravel Konar (2) Murugesan Konar S/o. Gurusamy Konar (3) Thamira Green Farms Private as per the Patta No.863. The entire extent of 1.76.00 Hec was acquired.

As per the current 10(1) computerized patta, joint patta was registered in the name of (1) Esakkimuthu Konar S/o.Kumaravel Konar (2) Murugesan Konar S/o.Gurusamy Konar and (3) Thamira Green Farms Private Limited in patta No.863 in respect of the entire land to an extent of 0.89.00 Hec in S.No.643/1 and an extent of 0.87.00 Hec in S.No. 643/3.

The Land Acquisition Officer sent notice to the land owners to appear for the Award Enquiry. Among the land owners, the son of Esakkimuthu Konar appeared for Award Enquiry and gave a statement stating that neither Chinnadurai S/o.Esakkimuthu Konar nor his legal heirs have any right over the acquired land. The land owner Murugesan Konar S/o.Gurusamy Konar appeared for Award Enquiry and gave statement stating that he purchased acre 1 cent 45 in S.No.643/2 and enjoying the same and the entire land has to be acquired. The compensation amount fixed by the Government is very mearge. In the said village, the maximum sale price is Rs.17,00,000/- per acre. The Government has fixed the compensation amount as Rs.2,35,700/- per acre. Since the compensation amount is very meagre, he receive the same with protest. Another pattadar M/s. Thamira Green Farms Private Limited have received the notice. But the officials of the said company neither appeared for Award Enquiry nor gave any statement.

On verification of the records, Muthukumar purchased an extent of 0.89.00 Hec in S.No.643/1 and an extent of 0.87.00 Hec in S.No.643/3 from Sivamuruga Athithan through the sale deed document No.1874/2015 dated 18.11.2015. Notice sent to the said Muthukumar. On 13.05.2022, the said Muthukumar appeared for the Award Enquiry and gave statement stating that, he purchased an extent of 0.89.00 Hec in S.No.643/1 and an extent of 0.87.00 Hec in S.No.643/3. On verification of Encumbrance Certificate, attachment was made by the Income Tax Recovery Officer vide document No.176/2017 dated 16.06.2017.

The VAO of Madhavankurichi Village ha stated that, in his enjoyment certificate, an extent of 0.89.00 Hec in S.No.643/1 and an extent of 0.87.00 Hec in S.No.643/3 stood in the name of 1) Esakkimuthu Konar S/o.Kumaravel Konar (2) Murugesan Konar S/o.Gurusamy Konar and (3) Thamira Green Farms Private Limited in patta No.863.

The Revenue Divisional Officer, Tiruchendur through his letter has stated that, he could not issue "No Objection Certificate" in respect of the land measuring 0.89.00 Hec in S.No.643/1 and measuring 0.87.00 Hec in S.No.643/3

Regarding the letter received from the Income Tax Department, the Additional Government Pleader (LAOP) gave a legal opinion that, compensation can be determined only if the owners of the acquired lands prove their ownership before the Court by producing appropriate documents and that there is no scope for disbursement of compensation without conclusively determining the ownership and the details of the extent of land and that therefore, it is the legal procedure to deposit the compensation amount in the Court, after which, the compensation is disbursed to the competent persons through the Court and advised the Land Acquisition Officer to deposit the compensation amount in the Court and intimate the same to both the land owners and the Income Tax Department. Hence, the Referring Officer has referred this matter to this Court under Section 77(2) of RFCTLARR Act, 2013 by depositing the compensation amount of Rs.22,79,131/- in respect of the acquired land measuring 0.59.00 Hec in S.No.643/1 of Madhavankurichi Village, Tiruchendur Taluk.

3) After receipt of the reference, this Court issued notice to the Referring Officer as well as the Claimants. The notice sent to the Referring Officer and 3rd claimant was served. However, the 3rd claimant was called absent and set exparte. The notice sent to the 1st claimant was returned as 'No such Office' and as there is no other address is available, the reference against the 1st claimant was closed. The 2nd claimant has appeared through his Advocate and filed claim statement.

4) **The brief averments of claim statement of the 2nd Claimant are as follows:**

An extent of 0.89.00 Hectares of land in S.No. 643/1 of Madhavankurichi Village was acquired for ISRO/Department of Space for establishing a new SSLV launch station at Kulasekarapattinam. Out of the said extent, an extent of 0.59.00 Hec belonged to Chennai Thamira Green Farms Private Limited through a registered sale deed document No.1475/2007 dated

06.09.2007 and joint patta No.863 was issued. In the said patta, the said Company, the 1st claimant has been shown in Sl.No.3.

On 15.05.2015, the said Company sold the said property (0.59.00 Hec) to one Sivamuruga Athithan through a registered sale deed document No.265/2016 for valid consideration and handed over the possession of the property. On 16.11.2015, the said Sivamuruga Athithan has executed a registered sale deed document No.1874/2015 in favour of the 2nd claimant after receiving valid sale consideration and handed over the possession of the said property.

After purchasing the said property, the 2nd claimant got title over the land to an extent of 0.59.00 Hec out of 0.89.00 Hec in S.No.643/1 and enjoyed the same. The 2nd claimant has been residing temporarily in Chennai and doing business. He was unaware to include his name in patta No.863. Hence, the 2nd claimant did not file a separate petition to include his name in the patta after filing the petition along with the sale deed. Since the Land Acquisition Officer took the Encumbrance Certificate and knew the fact that the land belongs to the 2nd claimant and therefore, the Land Acquisition Officer did not disburse the compensation amount to the persons found in Patta No.863. Further, in the patta, which is a Revenue record, since the name of this petitioner was not found, the compensation was not disbursed to this claimant by accepting the claim of the 2nd claimant. Though the Land Acquisition Officer knew through the document of Registration Department that the acquired land belongs to the 2nd claimant, without disabusing the compensation amount and deposited the same before the Court and the same is not acceptable. The 2nd claimant has purchased the property for valid consideration prior to June 2017. The 1st claimant after receiving the valid consideration and executed a sale deed during May 2015, the 1st claimant's right had already been lost on the said date. Therefore, neither the 1st claimant nor the men under him have no locus-standi to claim right over the compensation amount. The 2nd claimant reserves the right to claim enhanced compensation after establishing his right over S.No.643/1. The petitioner has produced the encumbrance certificate of the said S.No.643/1 for the period from 01.01.2000 to 16.10.2025. Hence, the 2nd claimant prays to pass order to disburse the compensation amount for an extent of 0.59.00 Hec out of 0.89.00 Hec in S.No.643/1 to the 2nd claimant. If the 1st claimant or any person proves with sufficient documents that the said land belongs to them, the 2nd claimant is ready to repay the compensation amount as the Court ordered. Hence, an order is to be passed directing to disburse the compensation amount deposited before the Court for the acquired land in S.No.643/1 measuring 0.59.00 Hece out of the extent 0.89.00 Hec to the 2nd claimant.

5) The learned Additional Government Pleader (LAOP) has made endorsement in the notes paper itself that, he has no counter.

6) Therefore, enquiry was conducted and the 2nd claimant was examined as C.W.1 and through him Ex.C1 and Ex.C2 were marked.

7) **<u>The point for determination in this petition is :</u>**

Whether the claim of the 2nd Claimant can be accepted and the Award amount is to be ordered to be paid to the 2nd Claimant or not?

8) **<u>On Point :</u>**

The Referring Officer has referred this case to disburse the compensation amount of Rs.22,79,131/- to the land owners of the acquired land measuring 0.59.00 Hec. in S. No.643/1 of Madhavankurichi Village, Tiruchendur Taluk for the project of SSLV in favour of ISRO / Department of Space in Madhavankurichi Village of Tiruchendur Taluk and Padukkapathu, Pallakurichi Villages of Sathankulam Taluk.

9) The learned counsel for the 2nd claimant has argued that, the Land

Acquisition Officer has acquired an extent of 0.59.00 Hec. Out of 0.89.00 Hec in S. No.643/1 of Madhavankurichi village, Tiruchendur Taluk for SSLV in favour of ISRO / Department of Space in Madhavankurichi Village of Tiruchendur Taluk and Padukkapathu, Pallakurichi Villages of Sathankulam Taluk. The said land belongs to the 2nd claimant through registered sale deed Ex.C1 and the same has been reflected in Ex.C2 Encumbrance Certificate. The Land Acquisition Officer failed to consider the sale deeds and encumbrance certificate, deposited the compensation amount before the Court. The 2nd claimant being the owner of the acquired land is entitled to receive the compensation amount. Therefore, the compensation amount kept in the Court deposit is to be disbursed to the 2nd claimant.

10) On the other hand, the learned Additional Government Pleader (LAOP) argued that, the 2nd claimant did not produce sufficient documents before the Land Acquisition Officer to prove his title over the acquired land. Hence, the Land Acquisition Officer has referred the matter to this Court and deposited the compensation amount before the Court to disburse the same to the competent person.

11) A careful perusal of records and hearing of the arguments of both side, the 2nd claimant has purchased an extent of 0.59.00 Hece out of the total

extent of 0.89.00 Hec (acre 2 cent 19) in S.No.643/1 from Sivamurugan Athithan through Ex.C1 sale deed. Ex.C2 Encumbrance Certificate is also buttressed the same.

12) For the reference made against the 1st claimant, notice has been issued to the address available in the record of this Court. The notice sent to the 1st claimant has been returned as "No such Office". Hence, the reference against the 1st claimant was closed. The 3rd claimant has received the notice and appeared through his counsel and not come forwarded to file claim statement. Hence, he remained exparte. So this Court has to decide only for the 2nd claimant compensation.

13) During cross-examination C.W.1 has deposed that he has been residing at Chennai and therefore, he did not attempt to mutate patta in his name. During the Award Enquiry he was directed to produce patta and the same has not been produced by the 2nd claimant. As per Ex.C2, from the date of purchase till the acquirement of land, the 2nd claimant was enjoying the property. Further, the 2nd claimant in his cross examination has deposed as follows :-

பணம் கொடுக்கும் பட்சத்தில் மூன்றாவது நபர் யாரேனும் இந்த சொத்து சம்பந்தமாக உரிமை கோரினால் இழப்பீட்டுத்

தொகையை நீதிமன்றத்தில் வைப்பீடு செய்ய எனக்கு ஆட்சேபணை உண்டா என்றால் இல்லை.

From the evidence it is clear that, if the compensation amount for the acquired land is given to the 2nd claimant, he has no objection to deposit the compensation amount before the Court if any third party claims right over the property.

14) Considering the above, the 2nd claimant proved that he is the owner of the acquired land to an extent of 0.59.00 Hec., in S.No.643/1 of Madhavankurichi Village, Tiruchendur Taluk. Hence, the 2nd claimant being the owner of the acquired land is entitled to the compensation amount deposited by the Referring Officer before the Court. The point is answered accordingly.

In the result, the claim made by the 2nd claimant is allowed and the compensation of award amount of Rs.22,79,131/- for the acquired land to an extent of 0.59.00 Hec in S.No.643/1 deposited by the Referring Officer with subsequent interest which will be accrued from the Bank Deposit is ordered to be paid to the 2nd claimant and the reference is closed accordingly.

Dictated by me to the stenographer, directly typed by her into computer, corrected and pronounced by me in the open court, on this the 17th day of July 2026.

S SUBA DEVI
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Principal District Judge,
Thoothukudi.

Witness examined on the side of Claimants :

C.W.1 -- Thiru.Muthukumar, 2nd claimant

Exhibits marked on the side of Claimants :

Ex.C1	18.11.15	--	Xerox copy of sale deed executed by Sivamurugan Athithan in favour of Muthukumar vide document No.1874/2015 (verified with original)
Ex.C2	--	--	Encumbrance Certificate

Witness examined and document marked on the side of Referring officer :

Nil

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Principal District Judge,
Thoothukudi.

Principal District Court, Thoothukudi

L.A.O.P No.342/2023,

Draft / Fair Order,

Dated : 17.06.2026.