

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2015

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No. 250 of 2015
and
M.P.No.1 of 2015

1. The District Collector,
Namakkal,
Namakkal District.
 2. The Revenue Divisional Officer,
Namakkal,
Namakkal District.
 3. The Tahsildar,
Rasipuram,
Namakkal District.
- ... Appellants/Respondents

Vs.

Liyakath Ali
.... Respondent/Petitioners

Writ Appeal filed to set aside the order dated 06.1.2014
passed in WP.No.18706/2010.

This petition filed under Article 226 of the Constitution of India
praying to issue a Writ of certiorarified mandamus to quash the
order passed by the second respondent / the Revenue Divisional
Officer, Namakkal, in Na.Ka.No.10394/2009 A7, dated 21.07.2010, by
calling for the records connected thereto and consequently, to direct
the respondents to issue priority certificate as sought for.

For Appellants : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

For Respondent : Mr. Suhrit Parthasarathy

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI,J.,)

The instant intra-Court appeal arises from the order dated 06.1.2014, whereunder, the Writ Court directed the respondents-authorities/appellants to issue priority certificate in the name of the respondent/writ petitioner's son.

2. The writ petitioner / respondent herein came up with the writ petition to question the legality of the order dated 21.7.2010 passed in Na.Ka.No.(A7)10394/2009 passed by the second appellant and consequently, seeking a direction to issue priority certificate in favour of his son.

3. The brief facts as projected by the writ petitioner are that the writ petitioner was the owner of the land to an extent of 2 acres and 0.40 cents in S.Nos.283/1A and 282/2, 3 in Karkoodalpatti village, Rasipuram, Namakkal District respectively. The writ petitioner donated one piece of land to an extent of 1 acre in S.No.283/1A by way of a registered gift deed dated 19.8.2009 to the State Government for the purpose of construction of "Periyar Ninaivu Samathuvapuram". Thereafter, another piece to an extent of 40 cents covered in S.No.282/2 and 282/3 was sold to the Government for a sum of Rs.50120/- by registered deed dated 3.12.2009. Relying on G.O.Ms.No.656 dated 29.6.1983, the petitioner submitted a representation on 19.5.2010 for issuance of priority certificate to his son. The said representation was considered and rejected by order dated 21.7.2010. Thus, the writ petition, as aforestated, has been filed.

4. The learned Single Judge, relying on paragraph 2(i) of G.O.Ms.No.656 dated 29.6.1983, allowed the writ petition directing the appellants/ respondents therein to issue priority certificate in the name of the writ petitioner's son, within a period of four weeks. G.O.Ms.No.656 dated 29.6.1983 reads as under :

"2(i)...All public sector undertaking may recruit without reference to Employment Exchange, at least one member of each family which is displaced on account of acquisition of lands for any projects of such public sector undertaking etc., provided that the acquired land should have been the only or major source of sustenance for that family."

5. Under this G.O., one member of displaced family on account of acquisition of land for any projects of public sector

undertakings, is entitled to recruitment without reference to the employment exchange. For this purpose, priority certificate is to be issued by the authorities. There is no dispute that one piece of land was acquired on account of donation and the other was on account of purchase. The question as to whether the land in question was only the major source of sustenance for the family was not considered by the authorities, while rejecting his representation for the grant of priority certificate in favour of the writ petitioner's son. Thus, it is not proper to go into the said issue, at this stage.

6. The learned Single Judge has rightly considered the entire gamut of dispute and allowed the writ petition. The impugned order passed by the learned Writ Court is just and proper, warranting no interference. The writ petition is accordingly dismissed. At this stage, the learned Special Government Pleader seeks some more time to comply with the order passed by the Writ Court, to which there is no objection from the other side. We accordingly grant further four weeks time to comply with the order of the Writ Court, from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ra/vvk

To

1. The District Collector,
Namakkal,
Namakkal District.

2. The Revenue Divisional Officer,
Namakkal,
Namakkal District.

3. The Tahsildar,
Rasipuram,
Namakkal District.

1 cc to Mr. Suhrith Parthasarathy ,Advocate, SR.No.8017

1 cc to Government Pleader,Sr.No8162

W.A.No.250 of 2015

j sv (co) pmk...27.2.2015