

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13819 of 2016

Tmt.Sandha

W/o late S.Nelson

.. Petitioner

-vs-

1. The Directorate of Rural Development
Office of the Principal Secretary/Commissioner
Rural Development and
Panchayat Raj (Training)
Panagal Maaligai, Saidapet,
Chennai 600 015
2. The District Collector
Kanyakumari District
Nagercoil
3. The President/Executive Officer
Malayadi Village Panchayat
Malayadi, Kanyakumari District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent herein to consider the representation/appeal dated 18.02.2016 of the petitioner to appoint the petitioner's son N.Ramesh, aged 27 years who has studied upto IX Std., as Water Assistant in the third respondent Panchayat, consider the petitioner's donation of 2 cents of land in the year 1997 to the third respondent Panchayat, consider the petitioner's husband S.Nelson's work in that Panchayat as Water Assistant for 16 years from 10.07.1998 to 27.01.2014 for which service he ought to have been regularized as per G.O.Ms.No.22, P & AR Department dated 28.02.2006 and on compassionate ground on account of the petitioner's husband's death on 27.01.2014.

For Petitioner:: Mr.M.Kalyanasundaram
Senior Counsel for Mr.V.Srinivasan

For Respondents:: Mr.S.Gunasekaran
Additional Government Pleader
for R1 & R2
Mr.V.S.Ramesh for R3

ORDER

The petitioner, Tmt.Sandha has made a representation/appeal dated 18.2.2016 seeking to appoint her son Mr.N.Ramesh, aged about 27 years, who has studied upto IX standard as Water Assistant in the third respondent Panchayat, since two cents of land belonging to her family were acquired by the third respondent Panchayat in the year 1997. Since the said representation/appeal has not been considered till date, she has come to this Court.

2. Heard the learned senior counsel for the petitioner. Mr.S.Gunasekaran, learned Additional Government Pleader takes notice on behalf of the respondents 1 & 2 and Mr.V.S.Ramesh, learned counsel takes notice on behalf of the respondent No.3.

3. Considering the limited prayer sought for by the petitioner, without going to the merits, if the land of the petitioner's family in Survey No.387/2 of Pazhugal village, Vilavancode Taluk having an extent of two cents had been acquired for the third respondent Panchayat, the representation/appeal of the petitioner can be considered on merits and in accordance with law in the light of the existing Government Order giving priority to the land losers. Therefore, the first respondent is directed to consider the representation/appeal of the petitioner dated 18.2.2016 on merits and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Directorate of Rural Development
Office of the Principal Secretary/Commissioner
Rural Development and
Panchayat Raj (Training)
Panagal Maaligai, Saidapet,
Chennai 600 015
2. The District Collector
Kanyakumari District
Nagercoil

3. The President/Executive Officer
Malayadi Village Panchayat
Malayadi, Kanyakumari District

1 cc to Mr.V.Srinivasan, Advocate, sr.23251

1 cc to Government PLeader, sr.23528

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kra 12.05.2016



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