

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.38807 of 2015

Ammasi

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Principal Secretary
to Government,
Energy Department,
Fort St.George, Chennai - 600 009.
2. The Chairman,
Tamilnadu Electricity Board,
No.800, Anna Salai, Chennai - 600 002.
3. The Chief Engineer (Personal),
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002.
4. The Superintending Engineer,
Mettur Thermal Power Project (MTPS),
Tamil Nadu Electricity Board,
Mettur Dam-2, Salem District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to provide the employment to the petitioner's grandson viz. M.Kesavapriyan as per the rehabilitation scheme formulated by the respondents for the land acquisition of Mettur Thermal Power Project within stipulated time.

For Petitioner : Mr.M.R.Jothimanian

For Respondent No.1 : Mr.S.Gunasekaran
Additional Government Pleader

For Respondent Nos.2 to 4 : Mr.P.R.Dhilip Kumar

O R D E R

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to provide the employment to her grandson, namely, M.Kesavapriyan, as per the rehabilitation scheme formulated by the respondents for the land acquisition of Mettur Thermal Power Project, within stipulated time.

2.It is the case of the petitioner that she was the owner of the land in Survey No.689/1 situated at P.N.Patty Village, Mettur Taluk, Salem District to an extent of 0.40 acres. The Land Acquisition Officer/Special Tahsildar, Mettur Thermal Power Project, Mettur Dam has acquired the above said land for Mettur Thermal Power Project at Mettur Dam and assured that they provide compensation and employment to the land owners or the legal heirs. According to the petitioner, her son died leaving behind no issues and she has two daughters and they are aged about more than 50 years and hence, she seeks employment to her grandson, namely, M.Kesavapriyan. In this regard, the petitioner made several representations and finally, the representation dated 29.10.2015 to the respondents to provide employment to her grandson. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition.

3.I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent as well as the learned counsel appearing for the respondents 2 to 4.

4.Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the respondents to consider the representation of the petitioner dated 29.10.2015 seeking to provide employment to her grandson, namely, M.Kesavapriyan, as per the rehabilitation scheme formulated by the respondents for the land acquisition of Mettur Thermal Power Project and pass appropriate orders, in the light of the order passed in W.P.Nos.32818 to 32820 of 2002 dated 13.09.2012, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the respondents to

consider the claim of the petitioner strictly on merits and in accordance with law. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sri

To

1. The Principal Secretary,
Government of Tamil Nadu,
Energy Department,
Fort St.George, Chennai - 600 009.
2. The Chairman,
Tamilnadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer (Personal),
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai - 600 002.
4. The Superintending Engineer,
Mettur Thermal Power Project (MTPS),
Tamil Nadu Electricity Board,
Mettur Dam-2, Salem District.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.54929
+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.54788
+1cc to the Government Pleader, S.R.No.55395

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CA(19/10/2016)

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