

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.38853 of 2015

M.P.Senthilkumar

... 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.Additional Chief Engineer,
Civil Hydro Electric Project,
Tamil Nadu Electricity Board,
No.955, EVN Road,
Erode - 9.

5.The Superintending Engineer,
Hydro Electric Project,
Tamil Nadu Electricity Board,
Oorachikottai, Bhavani - 638 302.
Now at Vendipalayam,
Erode District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 03.12.2014 vide letter No.06885/27/Ni.Pi/OoTha.2/KoVeVa/2014

passed by the fourth respondent and quash the same, consequently, direct the respondents to provide employment to the petitioner as per the rehabilitation scheme formulated by the respondents under the land acquisition scheme.

For Petitioner : Mr.M.R.Jothimanian
For Respondent No.1 : Mr.S.Gunasekaran
Additional Government Pleader
For Respondent Nos.2to5 : Mr.P.R.Dhilip Kumar

O R D E R

The petitioner has come up with the present writ petition for a certiorarified mandamus, calling for the records of the impugned order dated 03.12.2014 passed by the fourth respondent and quash the same, consequently, direct the respondents to provide employment to him, as per the rehabilitation scheme formulated by the respondents under the land acquisition scheme.

2.It is the case of the petitioner that his grandfather, namely, Muthu Gounder was the owner of the land in Survey Nos.241/2 and 246/1 situated at Poolampatty Village, Sangagiri Taluk, Salem District to an extent of 0.25.66 hectares. The Land Acquisition Officer has acquired the above said land for Lower Mettur Hydro Electricity Project at Nerinjipettai and assured that they provide compensation and employment to the land owners or the legal heirs. It is further case of the petitioner that his grandfather has two daughters and no male legal heir and hence, he seeks employment to him. In this regard, his grandfather made several representations and finally, the representation dated 03.03.2011 to the respondents 2 and 3 to provide employment to his grandson but the fourth respondent passed the impugned order dated 03.12.2014 rejecting the plea of the petitioner. 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 5.

4.Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to submit a fresh representation to the respondents, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the representation of the petitioner, and pass appropriate orders, in the light of the

order passed in W.P.Nos.22326 to 22330 of 2013 dated 12.08.2015 within a period of six weeks thereafter. 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

//True Copy//

Sub Assistant Registrar

sri

To

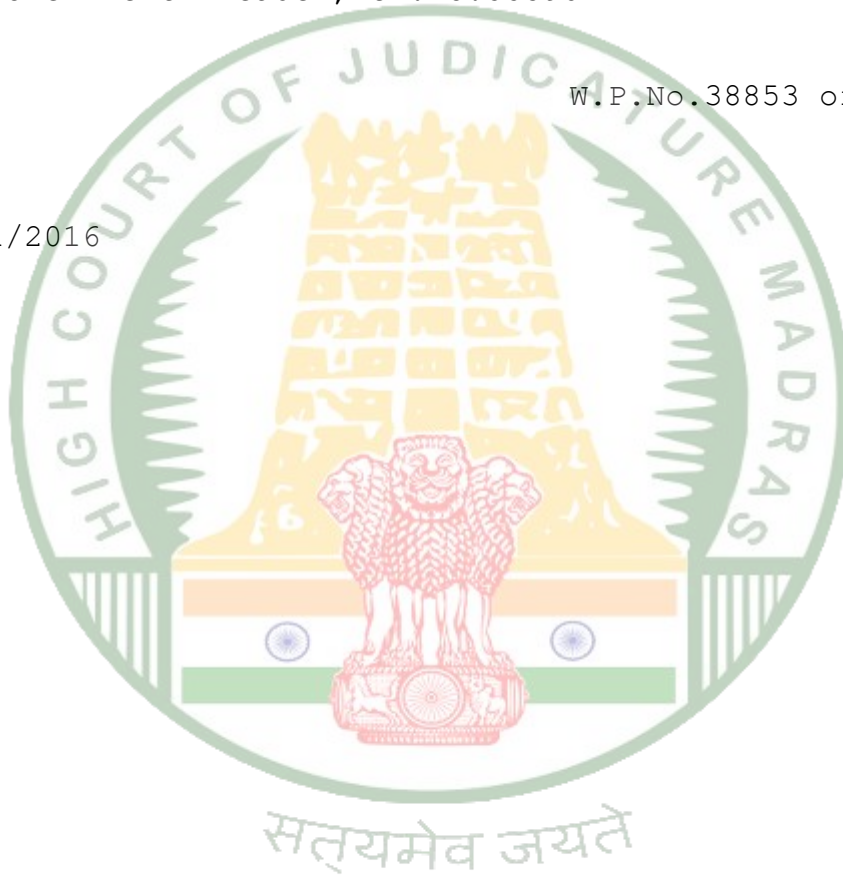
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Now at Vendipalayam,
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+1 CC to M/s. M.R. Jothimanian, Advocate Sr.No.54930
+1 CC to M/s. P.R. Dhilipkumar, Advocate Sr.No.54789
+1 CC to Government Pleader, SR.No.55398

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RP (CO)
MD : 02/11/2016



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