

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35889 of 2016

Gomathi

... 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
Hydro Electric Project
Tamil Nadu Electricity Board
Oorachikottai, Barrage-IV
Now at Vendipalayam
Bhavani-638 302
Erode 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 employment to the petitioner, viz. V. Gomathi, W/o. Late Murugan as per the rehabilitation scheme formulated by the respondents under the land acquisition scheme and in compliance of the order made in W.P.No.46686 of 2002 dated 11.2.2013 and W.P.No.22526 of 2013 dated 12.8.2015 passed by this Honourable Court.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.S.N.Parthasarathi
Government Advocate for R1
Mr.P.R.Dhilip Kumar for R2 to R4

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to provide employment to her as per the rehabilitation scheme formulated by the respondents under the land acquisition scheme and in compliance of the order made in W.P.No.46686 of 2002 dated 11.2.2013 and W.P.No.22526 of 2013 dated 12.8.2015 passed by this Court.

3. It is the case of the petitioner that her husband Murugan was the owner of the land in Survey Nos.243/11 and 243/15, situated at Poolampatty Village, Sangagiri Taluk, Salem District to an extent of 0.50.50 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. The petitioner's husband was eligible to get employment based on the said scheme. But, his claim was rejected on the ground that he was not having minimum qualification, against which he filed a writ petition before this Court in W.P.No.46686 of 2002 and this Court allowed the said writ petition on 11.2.2013 directing the respondents to provide employment to the petitioner's husband. Despite the same, he was not given employment. Subsequently, the petitioner's husband died on 25.11.2014. Hence, the petitioner made several representations to the respondents seeking employment based on the rehabilitation scheme. But, there is no response. Hence, finally, she sent a representation dated 16.6.2016 to the respondents to provide employment to her. But, the same was also not considered. Hence, left with no other alternative, the petitioner has come up with the present writ petition.

4. Learned counsel appearing for the petitioner submitted that similarly placed persons in the very same land acquisition got employment from the respondents as per the direction of this Court made in W.P.No.22326 of 2013 dated 12.8.2015. Hence, following the same, similar order could be passed in this writ petition also.

5. I have also heard the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the respondents 2 to 4.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to submit a fresh representation to the respondents along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law and also in the light of the orders passed in WP.No.46686 of 2002 dated 11.2.2013 and W.P.No.22526 of 2013 dated 12.8.2015 within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

To

1 The Principal Secretary to Government
State of Tamil Nadu
Energy Department
Fort St. George
Chennai- 600 009

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Oorachikottai, Barrage-IV
Now at Vendipalayam
Bhavani-638 302
Erode District

+lcc to Mr.S. Vijayakumar, Advocate, S.R.No.58571
+lcc to Mr.P.R. Dhilipkumar, Advocate, S.R.No.59294
+lcc to the Government Pleader, S.R.No.58949
+lcc to M.R. Jothimanian, Advocate Sr.No.58871 (9/11/2016)

MD (07/11/2016)

W.P.No.35889 of 2016



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