

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36673 of 2016

S.Thirumal

... Petitioner

Vs.

- 1 The Special Tahsildar (LA)
(Land Acquisition)
Vandavasi,
Thiruvananthapuram District.
 - 2 The District Employment Officer,
Thiruvananthapuram,
Thiruvananthapuram District.
 - 3 The Director
Employment & Training,
Guindy,
Chennai-32.
 - 4 The Chairman/ Managing Director,
Tamil Nadu Housing Board,
No.493, Annasalai,
Chennai - 600 035.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 18.01.2016 with regard to appointment on priority basis (Land loser) in the light of the G.O.Ms.No.188 P&AR Department dated 28.12.1976 within stipulated time as fixed by this Honourable Court.

For Petitioner : Mr.V.Thirupathi

For Respondents: Mr.K.Dhananjayan

Special Government Pleader

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 18.01.2016 with regard to appointment on priority basis (Land loser) in the light of the G.O.Ms.No.188 P&AR Department dated 28.12.1976 within stipulated time as fixed by this Court.

3.The petitioner would state that the land admeasuring to an extent of 1.40 acre comprised in Sr.No.178/213-178/413 situated in Vandavasi Village belongs to his father. The first respondent issued a public notice in Form 3 under Section 4(1) of the Land Acquisition Act for acquisition of the lands in Sr.No.178/213-178/4132 of Vandavasi village for the purpose of formation of Vandavasi Neighbourhood Housing Scheme and his father had participated in the award enquiry and award was passed on 30.03.1993 for a sum of Rs.46,346/- towards compensation. Infact Government issued G.O.Ms.No.188 Personnel and Administrative Reforms (Personnel - P) Department dated 28.12.1976 to provide Employment Assistance through Employment Exchanges on priority basis for disabled Ex-servicemen, Destitute Widows, Inter Caste marriage and Members of family whose lands have been acquired for Government purpose etc.,

4.The petitioner would further state that he is eligible for employment on priority basis on the category of Land looser through Employment Exchange as indicated in Group II (V) of the Annexure to the said G.O. Infact, the first respondent vide proceedings dated 23.01.1999, issued priority certificate to the petitioner and he registered the same before the second respondent vide Registration No.Mu.Mu.1097/99. The petitioner has passed M.E., and is aged about 35 years. The petitioner's family was depending upon the income from the said land but since the same was acquired by the respondents, they have no other source of income. The petitioner in this regard, made representation dated 18.01.2016, but the same was not considered. Hence, this petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader who takes notice for the respondents.

6.Considering the submissions made on either side and without going into the merits of the case, this Court directs the petitioner to give a copy of the representation dated 18.01.2016, along with a copy of this order to the respondents and to the District Collector, Thiruvannamalai, 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 pass appropriate orders, on merits and in accordance with law and in the light of the G.O.Ms.No.188 Personnel and Administrative Reforms (Personnel - P) Department dated 28.12.1976, within a period of eight weeks thereafter.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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Note: Registry is directed to mark a copy of this order to
The District Collector, Thiruvannamalai.

To

- 1 The District Collector,
Thiruvannamalai.
- 2 The Special Tahsildar (LA)
(Land Acquisition)
Vandavasi,
Thiruvannamalai District.
- 3 The District Employment Officer,
Thiruvannamalai,
Thiruvannamalai District.
- 4 The Director
Employment & Training,
Guindy,
Chennai-32.
- 5 The Chairman/ Managing Director,
Tamilnadu Housing Board,
No.493, Annasalai,
Chennai - 600 035.

+1cc to Mr.V. Thirupathi, Advocate, S.R.No.59985
+1cc to the Government Pleader, S.R.No.60155

EU(17/11/2016)

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