

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41078 of 2016

and W.M.P.No.35071 of 2016

G.Kamala

... 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 / TANGEDCO No.
800 Anna Salai Chennai-600 002
 - 3 The Chief Engineer(Personal)
Tamilnadu Electricity Board / TANGEDCO No.
800 Anna Salai Chennai-600 002
 - 4 The Superintending Engineer/
Civil Mettur Thermal Power Project
Mettudam-636 406 Salem District
- ... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified Mandamus to call for the records of impugned orders passed by the fourth respondent herein vide letter No.MePo/Ka/MeAaMiNi 1/NiEa/ Ko.Veva/Aa.No.109/16 dated 30.05.2016 and subsequent order passed in letter No.MePo/Ka/MeAaMini 1/NiEa/Ko.Veva/Aa.No.186/16 dated 30.07.2016 and quash the same and consequently direct the respondents to provide employment to the petitioner's son viz. G.Selvakumar as per the rehabilitation scheme formulated by the respondents under the land acquisition category on par with similarly placed persons

and as per the orders of this Honourable Court made in W.P.Nos.32818 to 32820 of 2002 dated 13.09.2012 and in W.P.No.31620 of 2016 dated 03.10.2016.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader
for R.1
Mr.P.R.Dhilip Kumar,
for R.2 to R.4

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, challenging impugned order passed by the fourth respondent herein vide letter dated 30.5.2016 and the subsequent order dated 30.7.2016 and consequently, to direct the respondents to provide employment to her son viz. G.Selvakumar as per the rehabilitation scheme formulated by the respondents under the land acquisition category on par with similarly placed persons and as per the orders of this Court made in W.P.Nos.32818 to 32820 of 2002 dated 13.9.2012 and in W.P.No.31620 of 2016 dated 3.10.2016.

3. It is the case of the petitioner that she was the owner of the land in Survey No.181/2, situated at P.N.Patty Village, Mettur Taluk, Salem District to an extent of 0.2.08 hectares. The Land Acquisition Officer has acquired the above said land for Mettur Thermal Power Project and assured that they would provide compensation and employment to the land owners or the legal heirs. Hence, petitioner made an application to the Tamil Nadu Electricity Board for providing employment to her son. But, her claim was rejected by the fourth respondent vide letter dated 30.5.2016. Hence, challenging the same, the petitioner has come up with the present writ petition.

4. I have heard the learned counsel appearing for the petitioner, learned Special Government Advocate, who has taken notice on behalf of the first respondent and the learned counsel, who has taken notice on behalf of the respondents 2 to 4.

5. In this Writ Petition by citing the Common Order of this Court in W.P.No.22326 of 2013 to W.P.No.22330 of 2013, dated 12.08.2015 by which similarly placed persons such as the

petitioner have been provided with employment, the learned Counsel for the petitioner would submit that the same treatment has to be given to this petitioner also by providing a job to her son G.Selvakumar as per the rehabilitation scheme formulated by the respondents under the land acquisition category.

6. Considering the submission of the learned counsel appearing for the petitioner and also considering the Common Order of this Court made in W.P.No.22326 of 2013 to W.P.No.22330 of 2013, dated 12.8.2015, by which the similarly placed persons were also provided with employment under the rehabilitation scheme formulated by the respondents under the land acquisition category, this Court is of the view that the impugned order of the fourth respondent has to be quashed and the petitioner or any one of her family members is also entitled for employment.

7. Accordingly, the impugned order of the fourth respondent stands quashed and the writ petition is allowed. The petitioner is directed to give 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 claim of the petitioner afresh on merits and in accordance with law and also in the light of the order of this Court made in W.P.No.22326 of 2013 to W.P.No.22330 of 2013, dated 12.8.2015 and W.P.Nos.32818 to 32820 of 2002 dated 13.9.2012 and in W.P.No.31620 of 2016 dated 3.10.2016, within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

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
600009.

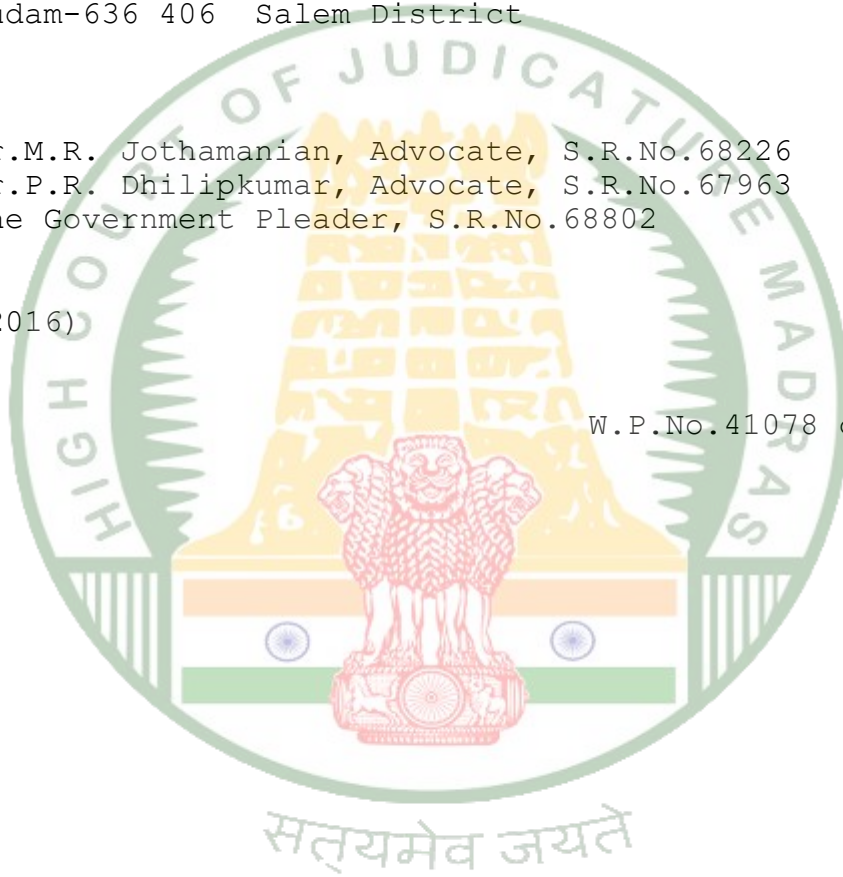
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- 2 The Chairman
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+lcc to Mr.M.R. Jothamanian, Advocate, S.R.No.68226
+lcc to Mr.P.R. Dhilipkumar, Advocate, S.R.No.67963
+lcc to the Government Pleader, S.R.No.68802

cnr(CO)
md(08/12/2016)

W.P.No.41078 of 2016



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