

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.42295 of 2016

G.Mariappan

... 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
Tamil Nadu 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 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 respondents to provide employment to the petitioner viz. G.Mariappan as per the rehabilitation scheme formulated by the respondents under the land acquisition category on bar with similarly placed persons and in terms of the orders of this Honourable Court Made in W.P.Nos.32818 to 32820 of 2002 dated 13.09.2012 W.P.Nos.22326 to 22330 of 2013 dated 12.08.2015 and in W.P.No.31621 of 2016 dated 03.10.2016.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.O.Selvam, GA,
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 for a mandamus, directing respondents to provide employment to him as per the rehabilitation scheme formulated by the respondents under the land acquisition category on par with similarly placed persons and in terms of the orders of this Court made in W.P.Nos.32818 to 32820 of 2002 dated 13.9.2012, W.P.Nos.22326 to 22330 of 2013 dated 12.8.2015 and in W.P.No.31621 of 2016 dated 3.10.2016.

3. It is the case of the petitioner that his grandfather namely, Raja Gounder was the owner of the land in Survey Nos.374/3, situated at P.N.Patty Village, Mettur Taluk, Salem District to an extent of 2.92 acres. The Land Acquisition Officer has acquired the above said land for Mettur Thermal Power Project at Mettur Dam and assured that they would provide compensation and employment to the land owners or the legal heirs. Originally, the petitioner's father submitted application for employment and he had also attended the interview. But, the employment was not provided to him. Now, the petitioner is eligible to get employment based on the said scheme. In this regard, he made several representations to the respondents. But, there is no response. Hence, finally, he sent a representation dated 7.10.2016 to the respondents to provide employment to him. 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 in terms of the orders of this Court made in W.P.Nos.32818 to 32820 of 2002 dated 13.9.2012, W.P.Nos.22326 to 22330 of 2013 dated 12.8.2015 and in W.P.No.31621 of 2016 dated 3.10.2016. 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 W.P.Nos.32818 to 32820 of 2002 dated 13.9.2012, W.P.Nos.22326 to 22330 of 2013 dated 12.8.2015 and in W.P.No.31621 of 2016 dated 3.10.2016 within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

- 1 The Principal Secretary to
Government Energy Department Fort St.
George Chennai-600 009.
- 2 The Chairman
Tamil Nadu 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 Tamil Nadu
Electricity Board Mettur Dam-2 Salem
District.

+1 cc to M/s.M.R.Jothimanian,advocate,sr.70784

+1 cc to Govt.Pleader,sr.71266.

rp(co)

krd 29/12

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