

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 1185 of 2011
and
M.P.1 of 2011

K.Naveen Kumar

.. Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by the Secretary, Industries Department,
Fort St. George, Chennai.
2. The Collector, Vellore District
3. The Revenue Divisional Officer,
Ranipet, Vellore District.
4. BHEL (BAP) Unit,
Rep. By its Executive Director,
Ranipet, Vellore District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st and 4th respondent to appoint the petitioner in the 4th respondent unit following the policy of one job for one family of whose lands were acquired by the 1st respondent for the benefit of the 4th respondent.

For Petitioner : M/s. A.B.Fathima Sulthana

For RR 1 to 3 : Mr. S.Diwakar,
Special Govt. Pleader

For R4 : Mr.John Zachariah for
M/s. Fox Mandal Association

O R D E R

Heard Ms.A.B.Fathima Sulthan, learned counsel appearing for the petitioner, Mr. S.Diwakar, learned Special Government Pleader appearing on behalf of the respondents 1 to 3 and Mr.John Zachariah, learned counsel appearing for the respondent 4.

2. The petitioner has come up with the present writ petition praying to direct the 1st and 4th respondents to appoint

the petitioner in the 4th respondent-unit following the policy of "one job for one family", of whose lands were acquired by the 1st respondent for the benefit of the 4th respondent.

3. The learned counsel for the petitioner has submitted that the 1st respondent has issued G.O.Ms.No.67, dated 27.01.1981, Industries Department, by which the 1st respondent imposed a condition that the displaced persons should be provided with employment by the 4th respondent. The land herein mentioned belongs to the grandfather of the petitioner, which was acquired by the 1st respondent for the benefit of the 4th respondent as per Award No.14/83 dated 14.10.1983 and the land was situated in survey No.88/2A, at Narasingapuram Village. According to the petitioner, no one was provided employment as per the award in favour of the petitioner's grand father. Earlier, petitioner's father applied for appointment, in view of the above, award was passed on 02.06.2008. Subsequently, his father expired intestate on 27.06.2009, leaving the petitioner, his mother and his brother. Hence, the petitioner applied for job on 05.08.2009 with respect to the above said award. But, he was not employed as per the Government order in G.O.Ms.No.67, dated 27.01.1981.

4. According to the learned counsel for the petitioner, a batch of Writ Petitions in W.P.No.2906 of 1995 etc. was filed before this Court by the erstwhile landowners, and this Court, by an order dated 18.09.1995, has directed the 4th respondent to consider the case of the erstwhile landowners in preference to the others in the matters of recruitment. Subsequently, this Court by an order dated 13.05.2008 made in W.P.No. No.4113 of 1998, directed the 3rd respondent to notify the constitution of a Screening Committee and give adequate publicity to the land losers to appear before the Committee with necessary records.

5. The order in W.P.Nos.2906 of 1995 etc. batch is upheld by the Division Bench of this Court in Writ Appeal No. 1394 of 1995. In W.P.No.4113 of 1998 and others (batch), by an order dated 13.05.2008, this Court allowed the Writ Petition directing to form a Screening committee and to examine the applicants claim. Aggrieved by the same, the 4th respondent filed appeals in W.A.Nos.1275 to 1277 of 2008 (batch), which were dismissed by this Court by a judgment dated 29.09.2010. Therefore, the present Writ Petition is filed by the petitioner with the above said prayer.

6. According to the learned counsel for the 4th respondent, the petitioner has submitted his application to the Screening Committee claiming employment and he was asked to

appear before the Screening Committee on 16.11.2011. The petitioner appeared before the Screening committee on that date for enquiry, but he could not satisfy the Screening committee that he was the land loser. Therefore, the question of employment does not arise. The learned counsel for the 4th respondent also relied on an order of this court in the case of S.Branitharan and K.Parasuramna in Writ Petitions W.P.Nos.25973 and 22131 of 2012, which were dismissed for similar prayer. Therefore, the petitioner's prayer in the Writ Petition as well as the averments made in this Writ Petition cannot be considered. Accordingly, the Writ Petition is liable to be dismissed.

7. In view of the said fact that the Screening committee had considered the petitioner's application and the same was rejected for the reason that the petitioner has not produced any document to show that he is the land loser. The petitioner approached this Court, challenging the decision of the said Committee and has filed this Writ Petition before this Court, which cannot be entertained. As the petitioner has not produced any document to show that he is the land loser and also considering the above said order of this court, the contention of the petitioner cannot be accepted and the Writ Petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

pvs

Sub Assistant Registrar

To

1. The Secretary, Industries Department,
Fort St. George, Chennai.
2. The Collector, Vellore District
3. The Revenue Divisional Officer,
Ranipet, Vellore District.

+1cc to Ms.Fox Mandal Associates, Advocate, S.R.No.1341
+1cc to the Government Pleader, S.R.No.2080

SS(CO)
RS(02/03/2017)

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