

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31548 of 2017

D.Suresh

.. Petitioner

-vs-

1. The Collector
Vellore District
Vellore

2. The Revenue Divisional Officer
Ranipet, Vellore District

3. The Commanding Officer
INS Rajali
Naval Air Station
Arakkonam, Vellore District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider and pass appropriate orders on the petitioner's representation dated 04.09.2017 and reminder dated 24.10.2017 seeking to submit the verification report to the third respondent as per the request dated 30.08.2017.

For Petitioner:: Mr.G.Jeremiah

For Respondents:: Mr.R.A.S.Senthilvel
Additional Government Pleader
for R1 & 2

ORDER

The petitioner has come to this Court seeking a limited prayer for issuing a mandamus or direction to the District Collector, Vellore, the first respondent herein to consider and pass appropriate orders on his representation dated 4.9.2017 and the reminder dated 24.10.2017, making a request to submit the verification report to the Commanding Officer, INS Rajali, Naval Air Station, Arakkonam, the third respondent herein.

2. Mr.R.A.S.Senthilvel, learned Additional Government Pleader takes notice on behalf of the respondents 1 & 2. Since

the third respondent has already made the recommendation in favour of the petitioner on 30.8.2017, he is arrayed as a formal party, therefore, no notice is required.

3. Learned counsel for the petitioner has stated that the petitioner's mother's property was acquired on 29.2.88 in Award No.8 of 1988 for the Naval Air Station. Subsequently, the Revenue Divisional Officer, Ranipet, the second respondent herein also issued a land loser certificate in favour of the petitioner's mother Mrs.D.Bharathi. The learned counsel further submitted that the petitioner's grandmother's property was also acquired by the third respondent and on the basis of the nomination made by his grandmother, the petitioner's elder brother Mr.D.Raja was appointed by the third respondent as a Tradesman on 24.11.2014. Therefore, he submitted that since the petitioner's mother's property and the petitioner's grandmother's property were acquired by the third respondent, both the petitioner and his elder brother are entitled to get the benefit of appointment under the land loser's scheme. However, since his brother Mr.D.Raja left the services, the third respondent-Commanding Officer also by a letter dated 26.10.2016 called upon the petitioner to be present on 15th and 16th November, 2016 for verification of the documents. Again by proceedings dated 10.8.2017, the third respondent called upon the petitioner to appear on 21.8.2017 along with the required documents. After his appearance and production of the certificates, he was provisionally selected for the post of Cook on 30.8.2017. However, entertaining a doubt, the third respondent, confused with the fact that Mr.D.Raja was given appointment, has sought for certain clarification from the first respondent. In view thereof, a representation has been given on 4.9.2017 to the respondents 1 & 2 to take necessary action in this regard and also to submit a report to the third respondent. In the meanwhile, a report has been submitted by the Tahsildar, Arakkonam to the Revenue Divisional Officer, Ranipet on 16.9.2017 stating that two properties were acquired, one belonging to the petitioner's mother and another belonging to the petitioner's grandmother and that both the petitioner and his brother D.Raja are entitled to get appointment under the land loser's scheme and the petitioner's brother Mr.D.Raja had also left the services within four days.

4. Under this background, the learned Additional Government Pleader for the respondents 1 & 2 sought four weeks time to consider the representation of the petitioner.

5. Recording his statement, the first respondent is hereby directed to consider the pending representation of the

petitioner and to forward the necessary report to the third respondent within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

ss

To

1. The Collector
Vellore District
Vellore
 2. The Revenue Divisional Officer
Ranipet, Vellore District
 3. The Commanding Officer
INS Rajali
Naval Air Station
Arakkonam, Vellore District
- + 1 cc to Mr.G.Jeremiah Advocate,SR.86748
- + 1 cc to The Govt.Pleader, SR.87401

W.P.No.31548 of 2017

nr 27/12/2017

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