



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.[MD].No.782 of 2017
and
C.M.P (MD)No.5603 of 2017

1. The Department of Industries,
Rep. by its Under Secretary to Government,
Secretariat, Chennai.
2. The Chairman and Managing Director,
Tamil Nadu Minerals Limited (TAMIN),
No.31, Kamarajar Salai,
"TWAD House", Chepauk,
Chennai - 600 005.
3. The Factory Manager,
Sivaganga Graphite Beneficiation Plant,
Sivagangai. : Appellants/Respondents

Vs.

M.P.Natesan : Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order passed in Writ Petition in W.P.(MD) No.11649 of 2011, dated 19.03.2012.

Prayer in WP(MD). 11649/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS, directing the Respondents to provide Compassionate Ground Employment to the petitioner in the 3rd Respondents Plant based on the Land Acquisition Order 2/84-85 dated 26-06-1984 and 12/86-87 dated 30-06-1987 to the 2nd Respondent s Sivaganga Graphite Beneficiation Plant within the period stipulated by this Honourable Court.

For Appellants : Mr.V.R.Shanmuganathan
Special Government Pleader
For Respondent : Mr.A.Hajamohaideen

**JUDGMENT**

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.V.R.Shanmuganathan, the learned Special Government Pleader appearing for the appellants and Mr.A.Hajamohaideen, learned counsel appearing for the respondent.

2.By consent of both sides, this writ appeal itself is taken up for final disposal.

3.The appellants are aggrieved by the direction issued in W.P.(MD)No.11649 of 2011, dated 19.03.2012 filed by the respondent herein for a direction to provide employment to him under Land Looser Category as his lands were acquired on 30.06.1987 for the Graphite Beneficiation Plant and an award came to be passed in Award No.12/86-87. The writ petition was allowed by directing the second appellant to take a final decision in the matter of grant of appointment to the respondent under the Land Looser Category and grant such appointment and communicate the same to the respondent within a time frame.

4.The learned Special Government Pleader appearing for the appellants would state that the respondent/writ petitioner's father in his letter, dated 21.05.2010 has given no objection for providing employment to his brother's son namely one Ramar, S/o.Kunjan and the said person was granted appointment. Therefore, it is submitted that no appointment can be offered to the respondent.

5.The learned counsel for the respondent would submit that there are two survey numbers, which were subject-matter of acquisition and the land owned by the respondent's father is a different land. However, in the document produced before the writ Court, the respondent was unable to substantiate his claim that two properties are independent and individual properties, owned by two different persons. Unless and until, the respondent is able to produce a valid document issued by the Revenue Authorities showing that the properties are different and owned by two different persons, the question of providing job to the respondent did not arise. Faced on this situation, the learned counsel for the respondent would submit that liberty may be granted to the respondent to approach the authorities concerned by producing the necessary records.

6.In the light of the above, the Writ Appeal is allowed and the impugned order is set aside with a direction directing the respondent to appear before the appellants' company by producing the proof to show that his father owned a distinct extent of land in a particular survey number and he was an individual owner of the said land and patta stood in his individual name and he has nothing to do with his brother (father's brother, whose son has now been employed). If the respondent produces the necessary documents, the



appellants' company shall consider the same and pass a speaking order on merits and in accordance with law within a period of four weeks from the date of receipt of the respondent producing the records to substantiate his claim. No costs. Consequently, connected miscellaneous petition is also closed.

WEB COPY

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Under Secretary to Government,
Department of Industries,
Secretariat, Chennai.
2. The Chairman and Managing Director,
Tamil Nadu Minerals Limited (TAMIN),
No.31, Kamarajar Salai,
"TWAD House", Chepauk,
Chennai - 600 005.
3. The Factory Manager,
Sivaganga Graphite Beneficiation Plant,
Sivagangai.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 62835
+ 1 CC TO Mr.A.HAJA MOHIDEEN, ADVOCATE IN SR No. 62262

AM/IS

TE/KKR/SAR-IV : 10/07/2017 : 3P/6C

JUDGMENT MADE IN
W.A.[MD].No.782 of 2017 and
C.M.P (MD)No.5603 of 2017
28.06.2017