

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2018

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.20006 of 2007

C.Krishnamurthy

... Petitioner

Vs

1.The District Revenue Officer,
Dharmapuri.

2.The District Collector,
Dharmapuri District, Dharmapuri.

3.The Land Acquisition Officer/
Special Tahsildar (LA)
Housing Scheme, Hosur,
Krishnagiri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ or order or direction, particularly in the nature of writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.56635/06 B1 dated 07.02.2007, quash the same and consequently direct the respondents herein to issue the priority certificate for employment to the petitioner whose landed properties had been acquired for public purposes by the 3rd respondent the Special Tahsildar, land Acquisition, Housing Scheme, Hosur, Krishnagiri District.

For Petitioner : R.Thamarai Selvan

For Respondents: Mr.K.Ravikumar
Additional Government Pleader for R1 to R3

O R D E R

The petitioner filed this writ petition challenging the order dated 07.02.2006 wherein the respondents denied the priority certificate in favour of the petitioner and consequently seeking for a direction to the respondents to issue the priority certificate for employment to the petitioner whose landed properties have been acquired for public purpose by the 3rd respondent, the Special Tahsildhar, Land Acquisition, Housing Scheme, Hosur, Krishnagiri District.

2. The case of the petitioner is that he belong to Most Backward caste and passed SSLC examination and have no permanent employment to eke out his livelihood. His father Mr.Chinnaraj purchased 1500 Sq.ft. of house site out of 2.09 Acres of landed property in Survey No.201/2C in A.Jettialli Village, Dharmapuri Taluk from one Kannan, son of Elappan through a document dated 15.07.1981. Thereafter, he was in continuance possession and enjoyment of the property but the said land was acquired by the Government under the Land Acquisition Act. In the meanwhile, the Government had issued standing orders to give priority in employment in Government Departments to the eligible members of the families whose lands have been acquired under the Land Acquisition Act for Government Purpose. Therefore, in this regard, the petitioner submitted a representation to the Revenue Divisional Officer, Dharmapuri /2nd respondent for issuing the priority certificate and the 2nd respondent vide order dated 18.11.2005 had rejected the request on the ground that his father name and the petitioner name is not available in the document and Thereafter, the petitioner had submitted another representation dated 22.11.2005 pointing out that the erstwhile owner of the property, Kannan himself had asserted in writing that the petitioner and his father was affected by the land acquisition. Though, the petitioner appeared personally to the 2nd respondent office and submitted the original documents, once again the 2nd respondent rejected his request vide order dated 31.12.2005. Thereafter, the petitioner preferred an appeal dated 09.01.2006 before the 3rd respondent. Since no response, the petitioner filed an WP No.41919 of 2006 to consider his appeal dated 09.01.2006 and this Court vide order dated 02.11.2006, had directed the 2nd respondent to consider the same and pass orders in accordance with law within a period of eight weeks from the date of receipt of copy of this order. In pursuant to the above said order, without affording any opportunity to the petitioner, the 1st respondent passed the impugned order dated 07.02.2007 rejected his request and hence, came forward to file this writ petition.

3. The learned counsel appearing for the respondents has drawn the attention of this Court to the Counter affidavit and would submit that the petitioner had not produced any original Sale deed and also the affidavit asserted from Mr.Kannan has been secured unregistered sale deed after passing of Award only with an intention to getting priority certificate to get employment opportunities and hence, prays for dismissal of this writ petition.

4. Considering the facts and submissions, this Court finds that the 2nd respondent has rejected the request of the petitioner on the ground that the petitioner had not purchased the property before the Land Acquisition Proceedings and also not through a registered Sale Deed. Therefore, this Court do not find any error in the impugned order passed by the 1st

respondent in his proceedings Na.Ka.No.56635/06 B1 dated 07.02.2007.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

To

1.The District Revenue Officer,
Dharmapuri.

2.The District Collector,
Dharmapuri District, Dharmapuri.

3.The Land Acquisition Officer/
Special Tahsildar (LA)
Housing Scheme, Hosur,
Krishnagiri District.

+1cc to Government Pleader SR.No.47056

NMI (CO)
SMI/31.08.2018

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सत्यमेव जयते
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