

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 19.01.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. NO. 1211 OF 2018

S.Kalidasan

.. Petitioner

- Vs -

1. The District Collector
Nagapattinam District
Nagapattinam.

2. The District Employment Officer
District Employment Office
Nagapattinam.

.. Respondents

Writ Petition filed for the issuance of a writ of mandamus directing the respondents to consider the claim of the petitioner for appointment under priority category of displaced persons due to land acquisition by making appropriate entry in the employment registration and to provide the petitioner appointment to any of the post based on the qualification of the petitioner in the light of the orders passed in W.P. (MD) No.5928 of 2009 dated 2.3.2010 within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr. G.Sankaran

For Respondents: Mr. V.Kadhirvelu, Spl. G.P.

सत्यमेव जयते
ORDER

Mr.V.Kadhirvelu, learned Special Government Pleader takes notice on behalf of the respondents.

2. This writ petition has been filed by the petitioner, S.Kalidasan, S/o Late Somu Devar and grandson of Late Vaidyanatha Devar. The lands of Vaidyanatha Devar were acquired and award was passed in Award No.2/79-80 dated 7.7.1979.

3. Learned counsel appearing for the petitioner submitted that although the petitioner is the grandson of Vaidyanatha Devar, he being a dependant of the original land owner, not only the son and daughter of the land loser is entitled to get the

benefit of priority certificate for getting employment in Government service, but even the dependants are entitled to get the benefit. It is further submitted by the learned counsel for the petitioner that this issue has already been decided by this Court in W.P. (MD) No.5928 of 2009 on 2.3.10. Therefore, it is prayed that the respondents may be directed to grant priority certificate to the petitioner.

4. In S.Kanjana - Vs - The District Employment Officer (W.P. (MD) No.5928 of 2009 dated 2.3.10), this Court had occasion to consider a similar issue and passed the following order :-

"6. It is not in dispute that the Government acquired lands from one Ayyanathevar and the petitioner is the grand daughter through his son. The only rejection was that the petitioner is the grand daughter of the deceased Ayyanathevar, whose lands have been acquired by the Government and hence, not entitled to the benefit of the said G.O. The question that arises then for consideration is whether the rejection made by the respondent is in consonance with G.O. Ms. No.188 dated 28.12.1976. Before advertng to the said issue, it would be appropriate to extract the relevant portion in the said G.O., which is as follows :-

"v) Members of the family (including members of Schedule Caste / Schedule Tribe) whose lands have been acquired for Government purposes as well as for the projects of the Public Sector Undertakings subject to the condition that preference should be given to those who are dependent for their livelihood primarily or wholly on the lands acquired and from among them to members of the Scheduled Castes and Scheduled Tribes who may be eligible for employment."

Thus, the above G.O. makes it clear that members of the family whose lands have been acquired for Government purpose or otherwise preference shall be given to those who are dependent for the livelihood primarily or only on the lands acquired who may be eligible for employment. Thus, the G.O. does not contemplate that it is meant only for only the son or daughter, but it speaks about the dependents."

5. Learned Special Government Pleader appearing for the respondents submits that this Court may direct the respondents to consider the case of the petitioner in the light of the above order and pass orders within a time frame.

6. Therefore, this Court, without going into the merits of the matter, directs the respondents to consider the case of the petitioner in the light of the order passed in W.P. No.5928 of 2009 dated 2.03.2010 and pass orders thereon, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the aforesaid direction. However, there shall be no order as to costs.

Assistant Registrar
Dt.15.2.18

//True Copy//

Sub Assistant Registrar

To

1. The District Collector
Nagapattinam District
Nagapattinam.
2. The District Employment Officer
District Employment Office
Nagapattinam.

+1 cc to Mr.G.Sankaran,advocate,sr.4443.

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