

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.10220 of 2004

Shanmugam

... Petitioner

Vs

1. The District Collector,
Cuddalore.

2. The Deputy Collector,
Land Acquisition Officer,
Neyveli-2.

3. The Neyveli Lignite Corporation,
Corporate Office,
Block-1, N.L.C. Ltd., Neyveli.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondent No.3 to provide employment to the petitioner's son Mr.S.Raja.

For Petitioner : Ms.V.C.Tharini
for Mr.V.Raghavachari

For Respondents 1 & 2: Mr.Akhil Akbar Ali
Government Advocate

For 3rd Respondent : Mr.N.Nithiyanandan

ORDER

The petitioner has come forward with a prayer for issuing a writ of Mandamus for directing the 3rd respondent to extend the rehabilitation promised under the scheme of Land Acquisition.

2. In the affidavit it is averred that the petitioner's mother Tulasiammal owned a fertile agricultural land at Elavarasan Patty Village and respondents 1 and 2 have acquired the same and thereby grabbed her only source of income. However, the petitioner's mother was paid compensation payable which however

was inadequate for her to purchase another property. She died on 10.08.1996. The respondents 1 and 2 formed a High Level Committee and recommended employment to the family members of the petitioner by way of rehabilitation of displaced owners of lands owing to acquisition. After acquisition of land, the petitioner has lost all sources of income. The petitioner has knocked the doors of the respondents for employment and in particular requested the 3rd respondent to provide an employment to his son. However, the respondent would contend he however, has not been provided employment under the scheme of acquisition made in 1970. This is violative of Article 14 of the Constitution. The petitioner therefore issued a lawyer notice. The 3rd respondent/ the beneficiary of the Acquisition (NLC) is duty bound to provide employment to all those whose lands were acquired and accordingly, the 3rd respondent has to provide employment to the petitioner's son.

3.1. In the counter, it is alleged the lands at Elavarasan Patty Village was acquired in the year 1957 and up to 1977, that besides compensation to the lands acquired, additional package too was provided by way of rehabilitation. Besides for all those who have lost land but accepted employment in Neyveli Lignite Corporation in 1950 and 1960 have also given been employment. In the early days of acquisition, till about 1977, since the project was in its infancy, the demand for employment from the local population was less. As a result, whoever among the landowners who was interested in taking employment in the NLC for themselves or for their dependents, were granted employment. Gradually when the demand for employment increased and since the requirement for additional non-technical hands also decreased, it became necessary to formulate a scheme, so as to limit the employment opportunities only to those who are deserving and who fulfill the norms as determined in consultation with the Government of Tamil Nadu and local elected representatives. Accordingly, regular schemes came to be introduced from about 1977-80 onwards. Prior to 1977, there were no specific scheme for providing employment to land oustees, because the demand was not significant and there was no need for any scheme as such.

3.2. In the present case, assuming that the lands belonging to the Writ Petitioner's mother had been acquired in 1970 or so, there is nothing to show, if the awardee requested for employment either for herself or for her husband/children. The package of relief in addition to compensation under the Land Acquisition Act, is not a matter of legal right, and is afforded only to those genuinely displaced and who are eligible as per the laid down norms. By no stretch of imagination a claim for employment can be entertained after a lapse of 40 years of the acquisition. On this ground as well, the Writ Petition deserves to be dismissed.

4. This Court considers that the petitioner's current attempt is over-ambitious if not adventurous. If his age is to be reckoned based on what he has given his affidavit, he should have been 20 years old when the land was acquired. Primarily, the petition is hit by laches as the petitioner is now attempting to revive life into a dead right, if at there was one, after a lapse of 36 years. Secondly, even on facts, there is nothing on record to ascertain that the petitioner's mother's property was acquired and when it was acquired. The affidavit of the petitioner is bereft of material particulars pleading which are necessary for him to establish a prima facie existence of a cause of action. Secondly, even assuming the petitioner's statement were true, the petitioner who has kept quiet for 36 years for seeking his own opportunity to seek employment as part of the rehabilitation scheme, now wants the authorities to provide employment after some 36 years. Plainly there is enormous delay and laches which is unbridgeable. In the above circumstances, this Court does not find any merit in the writ petition and accordingly dismissed. No costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The District Collector,
Cuddalore.

2. The Deputy Collector,
Land Acquisition Officer,
Neyveli-2.

3. The Neyveli Lignite Corporation,
Corporate Office,
Block-1, N.L.C. Ltd., Neyveli.

+1cc to Mr.V.RAGHAVACHARI, Advocate, S.R.No. 9131
+1cc to the Government Pleader, S.R.No. 12893

W.P.No.10220 of 2004

TR(19/03/2018)