

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15196 OF 2003

ORDER

1. This writ petition is filed for the following relief:

“...to issue Writ of Mandamus or any other appropriate Writ or order or direction declaring the action of the respondents in not considering the case of the petitioner for employment under land losers' scheme, as per the notification issued by the respondents on 12.12.1997, as arbitrary and illegal, and consequently, to direct the respondents to consider the case of the petitioner for appointment under land losers' scheme, and pass such other order or orders as this Hon'ble Court may deem fit and proper”.

2. It is the case of the petitioner that the land to an extent of Ac.0-33 cents in Sy.No.847.A/2, Ac.0-91 cents in Sy.No.848.A/2A situated in Thookivakam Village in Renigunta Mandal, Chittoor District, belonging to his family was acquired by the 1st respondent under the Land Acquisition Act for establishment of Railway Carriage Workshop in Tirupati. The respondents have come with a scheme to provide employment to such of those persons, whose lands were acquired, under displaced persons quota *vide* notification dated 12.12.1997. Pursuant thereto, the petitioner submitted an application seeking employment under the said scheme. But his case was not considered on the ground that he did not pass 8th standard and that compensation amount was received. Challenging the same, the present writ petition is filed.

3. Learned Counsel appearing for the petitioner submits that the cases of the similarly situated persons were considered and they were given appointment, but the case of the petitioner was not considered under the said scheme.

4. Learned Standing Counsel appearing for the respondents contends that the land was acquired in the year 1984, and compensation was paid in the year 1985 and at this length of time, the question of considering the case of the petitioner for appointment under the said scheme does not arise. In support of his contention, he placed reliance on the judgment of the Hon'ble Division Bench of this Court in W.P.No.12754 of 2006, dated 5.8.2008, wherein the Hon'ble Division Bench while dismissing the same, observed as under:

“In view of the above, we are of the considered opinion that since the land was acquired more than 20 years ago, as such, no relief can be granted to the land displaced persons after more than 20 years of the acquisition of the land. The Tribunal, vide impugned order, rightly rejected the claim of the petitioner, which does not call for any interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.”

Learned Standing Counsel further contends that this writ petition is also liable to be dismissed in view of the observations made by the Hon'ble Division Bench in the said writ petition.

5. Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the petitioner cannot claim appointment after 20 years of acquisition of their land and in view of the Division Bench judgment in W.P.No.12754 of 2006, the writ petition is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. No costs. Miscellaneous petitions, if any, pending shall stand closed.

5th November, 2018
Nn

JUSTICE ABHINAND KUMAR SHAVILI



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(Dismissed)

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