

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.17448 OF 2005

ORDER

This writ petition is filed for the following relief:

“...to issue Writ of Mandamus or any other appropriate Writ or order or direction declaring (a) that 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 as 12.12.1997 and also on 24.05.2001, as arbitrary, illegal and unjust (b) that the proceedings bearing ref.No.TR/P.648/HC/WP 25373 of 2004, dated 27.04.2005 of 2<sup>nd</sup> respondent, rejecting the petitioner's case for employment under land losers scheme, as arbitrary, illegal and unjust and issue a consequential direction directing the respondents to consider the case of the petitioner forthwith for appointment in any suitable vacant post, under land losers scheme, and pass such other order or orders as this Hon'ble Court may deem fit and proper”.

It is the case of the petitioner that the land to an extent of Ac.0-17 cents in S.No.20/23, Ac.0-04 cents in S.No.20/45 and Ac.0-34 cents in S.No.20/85 situated in Settipalli Village, belonging to his family was acquired by the 1<sup>st</sup> respondent under the Land Acquisition Act, 1894 for establishment of Railway Carriage Repair Shop in Tirupati, during 1984. 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 on 19-03-2001 seeking employment under the said scheme. But his case was not considered on the ground that he has not attained the majority as

on that date. Hence, he filed W.P.No.25373 of 2004 and the same was disposed of on 18.1.2005 directing the respondents to consider the case of the petitioner for appointment under the land losers quota. The respondents *vide* order dated 27.04.2005 rejected the request of the petitioner on the ground that the land was acquired way back in the year 1984; compensation was paid in the year 1985; and after 20 years from the date of acquiring the land, no appointment can be provided. Challenging the same, the present writ petition is filed.

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.

Learned Standing Counsel appearing for the respondents contends that 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 Division Bench Judgment of this Court in W.P.No.12754 of 2006, dated 5.8.2008, wherein this Court 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.

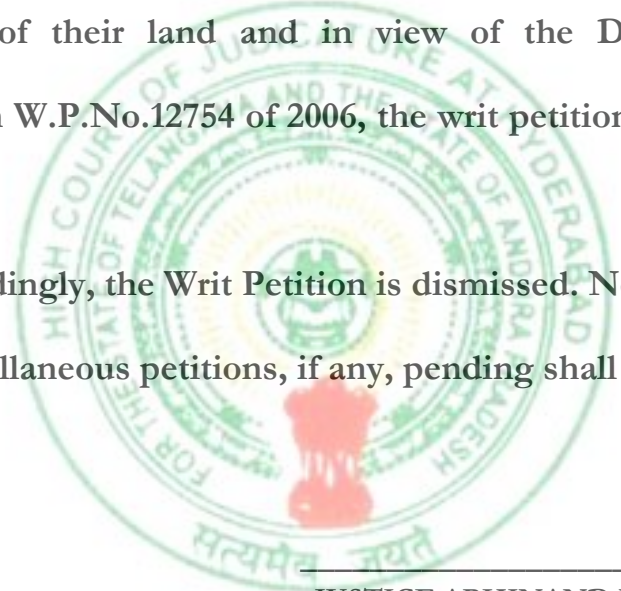
Accordingly, the Writ Petition is dismissed. No order as to costs.”

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

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.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



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JUSTICE ABHINAND KUMAR SHAVILI

*23<sup>rd</sup> August, 2018*  
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