

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.2827 of 2018

K.Mohan

...Petitioner

Vs

1. The Special Tahsildar (L.A.)
SIPCOT, Gummidipoondi-601 201.

2. The Project Officer,
SIPCOT Industrial Complex,
Gummidipoondi-601 201.

3. The Tahsildar,
Gummidipoondi Taluk,
Tiruvallur District-601 201.

4. The General Manager,
Bharat Petroleum Corporation Ltd.,
No.1, Ranganathan Garden,
11th Main Road, Anna Nagar West,
Chennai-600 040.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the fourth respondent to give employment to the petitioner's son as per G.O.Ms. No.356, Labour and Employment Department, dated 29.06.1978 corroborated in G.O.Ms.No.324, Revenue, dated 18.03.1986, each family which is displaced on account of acquisition of lands for the establishment of the project should be provided with employment for one member of each family without reference to the employment exchange and after enumeration of records.

For Petitioner

: Mr.E.Booshanam

For Respondents

: Mr.R.S.Selvam,
Government Advocate for R1 to R3

O R D E R

The case of the petitioner is that the lands to an extent of 2.08 acres belonging to the petitioner in S.No.70/1 of Sirithalakuppam Village was acquired by the first respondent for the formation of Industrial Complex at Gummidipoondi and subsequently allotted to the fourth respondent-M/s.Bharat Petroleum Corporation Limited. According to the petitioner, the first respondent issued a certificate on 03.01.2000 stating that the petitioner is the bona fide owner of the said acquired land and that the said certificate was issued only to get employment to any one of his sons or daughter as one of the legal heirs of the land owner.

2.When this writ petition is taken up, the learned counsel for the petitioner has submitted that the similar issue has been considered by this Court in the order made in W.P.Nos.13789, 13790 and 13791 of 2011 dated 22.09.2011, wherein it has been held as under:

"6.It is not in dispute that lands of the petitioners were acquired for the purpose of establishment of North Madras Thermal Power Station as early as 1990. A perusal of G.O.Ms.No.656 Labour and Employment Department dated 29.6.1978 would reveal that one member from each family, who is displaced on account of acquisition of lands is to be provided with employment without reference to the employment exchange. By Proceedings No.B.P.Per (FB)No.3 dated 25.1.1990 the Tamil Nadu Electricity Board has adopted the said Government order. Clause (iii) of the proceedings reads as follows:

"(iii)only one person in the family identified by the Collector, Chengai Anna District is eligible for employment assistance be appointed as Helper (Trainee)."

7.As seen above, so far enumeration was not done by the fourth respondent Collector. However, now it is stated that the District Collector just has commenced the identification process. To make the process expeditious, the petitioners are directed to approach the District Collector, Thiruvelllore with relevant records to identify them so as to get benefits under the scheme within four weeks from the date of receipt of the copy of the order and the fourth respondent District Collector is directed to finalise the enumeration work within 12 weeks thereafter. As soon as the enumeration work is completed as per the

schedule given above, the fourth respondent shall forward a list of beneficiaries to the first respondent Electricity Board, which will in turn implement the same and shall act upon the list provided by the District Collector as per the Board Proceedings B.P.Per(FB)No.3, Administrative Branch dated 25.01.1990 thereafter."

Stating so, the learned counsel for the petitioner has prayed that the case of the petitioner herein may be directed to be considered in the similar lines as ordered in the said writ petitions.

3.It is seen that the petitioner has submitted a representation dated 02.07.2018 in respect of his claim to the fourth respondent and he has not made any representation to the first respondent. Considering the facts and circumstances of the case, the petitioner is directed to submit a fresh representation to the first respondent along with a copy of the representation made to the fourth respondent, in respect of his claim, within a period of two weeks from the date of receipt of a copy of this order. On such representation being received, the first respondent is directed to consider the same on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of twelve weeks therefrom.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

KM

To

1. The Special Tahsildar (L.A.)
SIPCOT, Gummidipoondi-601 201.
2. The Project Officer,
SIPCOT Industrial Complex,
Gummidipoondi-601 201.
3. The Tahsildar,
Gummidipoondi Taluk,
Tiruvallur District-601 201.

4. The General Manager,
Bharat Petroleum Corporation Ltd.,
No.1, Ranganathan Garden,
11th Main Road, Anna Nagar West,
Chennai-600 040.

+1 cc to M/s.Bhooshanam, Advocate, S.R.No.8074

+1 cc to the Government Pleader, S.R.No.8787

W.P.No.2827 of 2019

RV (CO)
SSM(26/03/2019) .



WEB COPY