

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.24114 of 2009

T.Muthu

.. Petitioner

-vs-

1.The Sub-Collector (Incharge),
Mettur, Salem District.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai-2.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the second respondent herein letter No.028669/59/G64/G641/2009 dated 23.10.2009 and quash the same and consequently direct the second respondent to confer the post of Junior Assistant or any other suitable post to which the petitioner's son is eligible to be conferred with at an earlier date for acquiring the petitioner's land for the requirements of Mettur Thermal Power Station.

For Petitioner : Mr.D.Balachandran

For Respondents : Mr.K.Ravikumar,
Additional Government Pleader
for R1

Mr.G.Anand,
for M/s.T.S.Gopalan & Co. for R2

ORDER

The writ petition has been filed questioning the correctness of the impugned letter No.028669/59/G64/G641/2009 dated 23.10.2009 issued by the Chief Engineer (Personnel), Tamil Nadu Electricity Board, Chennai, the second respondent herein and seeking a direction to him to confer the post of Junior Assistant or any other suitable post to which the petitioner's son is eligible with an earlier date for acquiring the

petitioner's land for the requirements of Mettur Thermal Power Station.

2.Learned counsel appearing for the petitioner submitted that the petitioner's family was in possession of 0.55 cents of land covered in S.F. No.472 situated at P.N.Patti Village, Mettur, Salem District and the entire 4.55 acres of the said land are recorded as "Mayanam Poromboke" in the village records. However, the petitioner's ancestors were in possession of the said lands right from 1387 pasali and the name of his family members were found in 1389 pasali adangal also and the said lands were acquired by the Government for Mettur Thermal Power Station. At the time of acquiring the lands, the Government made assurance to provide job opportunities in the Tamil Nadu Electricity Board, Mettur Thermal Power Station for the land losers or their family members who had given their lands for Mettur Thermal Power Station. Based on the said assurance given, the petitioner made a representation to the Sub-Collector, the first respondent herein to provide employment. After verification of his documents, by Proceedings dated 28.07.1992, the Sub-Collector (Incharge), Mettur, Salem District, the first respondent herein recommended the case of the petitioner to the second respondent stating that the petitioner is eligible for appointment in Mettur Thermal Power Station as per the recognised list of the District Collector, Salem District dated 25.08.1988. Thereafter, the petitioner was continuously requesting the second respondent by sending representations to provide employment for any one of his family members. By a communication dated 03.08.2000, the Superintending Engineer, Mettur Thermal Power Station had informed the petitioner that his request is being considered and orders will be passed after getting approval from the Chief Engineer, Tamil Nadu Electricity Board, Chennai. Since no action was taken by the respondents, the petitioner filed a Writ Petition in W.P. No.7021 of 2009 before this Court and by disposing of the same, this Court directed the second respondent to pass orders on his representation dated 03.03.2009. After the said order passed by this Court, the second respondent had passed the impugned order rejecting the request of the petitioner for getting employment in the Mettur Thermal Power Station. Therefore, the petitioner has come to this Court seeking the above prayer.

3.Learned Additional Government Pleader appearing for the first respondent would submit that the petitioner cannot be a land loser and therefore, he cannot maintain the writ petition. Moreover, the impugned order passed by the Chief Engineer (Personnel), Chennai, the second respondent herein clearly shows that the petitioner is not entitled to get the employment in the Mettur Thermal Power Station and one of the reasons cited shows that the petitioner was not owning any land and the certificate

issued by the Tahsildar enclosed also shows that the petitioner is not the owner of the land.

4.Learned counsel appearing for the second respondent would submit that merely for the reason that the petitioner was in continuous possession of the Government land, he cannot become owner of the said land and he cannot claim ownership of the land.

5.A mere reading of the letter issued by the Tahsildar shows that the petitioner was eking his livelihood only from the land and the same does not mean that the petitioner is the owner of the property Admittedly, the petitioner was not paid with any compensation after the acquisition of the land that shows that he is not the owner of the land. More over, the petitioner has not claimed for compensation after acquiring the land for Mettur Thermal Power Station and therefore, the petitioner is neither a land loser nor an owner of the land in question. Hence, the petitioner cannot make any claim regarding the ownership of the said land. Therefore, I find no merit in the writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Sub-Collector (Incharge),
Mettur, Salem District.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai-2.

+1cc to Mr.D.Balachandran, Advocate, S.R.No.31398
+1cc to Mr.T.S.Gopalan & Co, Advocate, S.R.No.30654
+1cc to the Government Pleader, S.R.No.31613

W.P. No.24114 of 2009

SS(CO)
SSM(22/05/2019)