

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.1.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE Dr.JUSTICE ANITA SUMANTH

W.P.No.25093 of 2018

Plantation Labour Association
Affiliated with AITUC
Reg. No.1659 Rep. by its President
Mr.T.Balakrishnan
No.85 Jawaharpet
Coonoor Nilgiris District.

Petitioner

Versus

- 1 The Director Commisssonerate
of Rehabilitation & Welfare of
Non-Resident Tamils
Government of Tamil Nadu
Ezhilagam Annexe 4th Floor
Chepauk Chennai-600 005.
- 2 The District Collector of
Nilgiris District
The Nilgiris Ooty.
- 3 The Managing Director
Tamil Nadu Tea Plantation Corporation Ltd.
TANTEA Complex Coonoor-643 101
The Nilgiris District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 and 2 to construct individual houses in the land in Survey No.1147 Gudalur Sub Division, Pandalur Taluk, Cherangode Revenue Village in the District of Nilgiris or in any other suitable Place and allot the same to the remaining 1500 families of the Indian Origin Sri Lankan repatriates and their natural growth within a time frame to be fixed by this Honourable Court.

For petitioner : Mr.K.Lavan

For RR1 and 2 : Mr.J.Pothiraj, Special Government Pleader
For R3 : Mr.S.V.Vijay Prashanth, AGP (Forests)

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

Petitioner, Plantation Labour Association, affiliated with AITUC, through its President, Mr.T.Balakrishnan, Nilgiris District, has filed this PIL writ petition in this court on 3rd September 2018, seeking a direction to Respondents 1 and 2, the Director Commissionerate of Rehabilitation & Welfare of Non-Resident Tamils and the District Collector of Nilgiris District, The Nilgiris, Ooty to decide their representation dated 16.4.2018, seeking Housing facility for the Indian Origin Sri Lankan Repatriates absorbed as permanent employees of Tamilnadu Tea Plantation Limited (TANTEA). The said Housing Scheme is sought to be developed in Gudalur Sub Division, Pandalur Taluk, Cherangode Revenue Village in the District of Nilgiris. The said representation appears to have been forwarded to the Directorate concerned, but thereafter, the matter rested there and therefore, the petitioner has come up with the present PIL writ petition before this court.

2. Counter to the writ petition has been filed by Respondents 2 and 3 in the present case, inter alia, indicating therein that the process of Housing for Rehabilitated Workers should be carried out by Tamil Nadu Tea Plantation Limited (TANTEA)/Forest Department. A reference, in para 10 of the counter filed by the second respondent, has also been made to G.O.Ms.No.547 Rehabilitation Department, dated 23.7.2008, in which it has been stated that the Rural Development and Panchayat Department has accorded funds for the financial years 2018-2019 for construction of houses for all the Indian Origin Repatriates under the Scheme of Pasumai Veedu Thittam and it has also been stated in the said G.O., that the working process and expenditure would be carried out by the Department of Rural Development and the process is still pending for consideration by the Government.

3. Having heard the learned counsels appearing for the parties and in the light of the fact that there are different schemes in operation for providing houses to the Repatriates from Sri Lanka, who are absorbed and employed in India and different Departments are involved in such process, we consider it proper to dispose of this PIL writ petition by directing Respondent No.2, the District Collector of Nilgiris District to dispose of the pending representation of the petitioner-Association dated 16.4.2018, within a time frame, after providing a reasonable opportunity of hearing to the petitioner.

4. Accordingly, we direct that the Authorised representative of the petitioner-Association may appear before the learned District Collector, Nilgiris District at the first instance on 24.1.2019 and after hearing the grievance of the petitioner, the District Collector, Nilgiris District shall pass a speaking and reasoned order on the representation of the petitioner-Association, within a period of three months thereafter. If the petitioner is aggrieved by such order, they will be free to take the appropriate legal course open to them, against such order. The writ petition is disposed of accordingly. No order as to costs.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Director Commisssonerate
of Rehabilitation & Welfare of
Non-Resident Tamils
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TANTEA Complex Coonoor-643 101
The Nilgiris District.

+1cc to Mr.K.Lavam, Advocate SR.No.3324

+1cc to Special Government Pleader (Forest Cases)SR.No.3500

W.P.No.25093 of 2018

KS (CO)
GMY (28/01/2019)