

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

WP.No.943 of 2020

S.Velmurugan

.. Petitioner

- Vs -

1. Union of India
Rep. by the Secretary to Government,
Revenue Department,
Government of Puducherry,
Puducherry.
 2. The Principal,
Dr.Ambedkar Government Law College,
Government of Puducherry,
Kalapet, Puducherry.
 3. The Director of Education,
Central University,
Land Acquisition Wing,
Puducherry.
 4. Pondicherry University,
rep. by its Registrar,
Kalapet, Puducherry.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 to 3 to appoint the petitioner in the appropriate existing post or future vacancies in the second respondent institution in terms of the scheme evolved to give appointment to the members/wards of the family of the persons whose lands have been acquired by the first respondent Government under the scheme of Land Acquisition Act 1894 under five phases based on the application given by the petitioner on 8.3.2018 under receipt No.1995.

For Petitioner : Mr.R.Natarajan

For Respondents : Mr.A.V.Ramalingam
AGP (Pondicherry) for R1 to R3
Mr.A.V.Bharathi for R4

O R D E R

This writ petition has been filed for the issue of the writ of Mandamus directing the respondents to appoint the petitioner in an existing post or a future vacancy on a priority basis on the ground that the land belonging to the family of the petitioner was acquired and a promise was made to give employment to the family members of the affected family.

2. It is seen from records that the land in question belong to the grandfather of the petitioner and it was acquired in the year 1987. After the land was acquired, the compensation was also fixed and it became a subject matter of challenge in LAOP No.29 of 2006 and an award was also passed on 24.02.2014 by enhancing the compensation.

3. The petitioner, who is now aged about 43 years, seems to have made an application to the respondents in the year 2018 to consider him for appointment on the basis of the proceedings of the Government of Puducherry dated 29.08.1989. Since the same was not considered, the present writ petition has been filed before this Court.

4. The learned counsel appearing for the petitioner submitted that the proceedings of the Government of Puducherry dated 29.08.1989 makes it very clear that all those families, which were deprived of the lands due to the acquisition, will be considered for giving employment to one of the family member in the concerned institutions on whose behalf the acquisition was made. The learned counse submitted that the petitioner is admittedly a family member, who is entitled for employment in the Government Law College, since the land was utilized for the construction of the Law College.

5. Per contra, the learned counsel appearing on behalf of the respondents submitted that the land was acquired in the year 1987 and compensation was paid and the compensation has also been enhanced in the LAOP proceedings in the year 2014 and the petitioner having waited for nearly 30 years has given an application in the year 2018 seeking for employment in the second respondent-Law College. The learned counsel submitted that already one of the family member was accommodated and granted appointment and it is not necessary that each and every family member of the affected family must be given employment. The learned counsel vehemently opposed the very maintainability of the writ petition on the ground that there is nothing to be considered in the case of the petitioner, since the petitioner is already aged 43 years.

6. This Court perused the available materials on record.

7. It is an admitted case that the land of the petitioner was acquired in the year 1987 and after the land was acquired, the compensation has also been paid and the same has been enhanced in the year 2014. The petitioner had remained quiet for more than 30 years and at the age of 41, he had made a representation seeking for employment. It is not known as to why the petitioner did not even move his little finger for more than 30 years. If the petitioner wanted to exercise his right, he should have done it immediately after the land was acquired and he cannot make a request after 30 years and seek for priority in Public Employment. The claim made by the petitioner is liable to be rejected on the ground of delay alone.

8. This Court does not find any merit in this writ petition and accordingly, the same is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmi

To

1. The Secretary to Government,
Union of India
Revenue Department,
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2. The Principal,
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Kalapet, Puducherry.
3. The Director of Education,
Central University,
Land Acquisition Wing,
Puducherry.
4. The Registrar,
Pondicherry University,
Kalapet, Puducherry.

+1cc to Mr.R.Natarajan, Advocate SR.3602
+1cc to M/s.A.V.Bharathi, Advocate SR.3438
+1cc to the Government Pleader SR.3460

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BP (CO)
CB(14/02/2020)



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