

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.NO.22041 OF 2004

Kumudha

.. Petitioner

Vs.

1. Tamil Nadu Electricity Board
Rep by its Chief Engineer (Personnel)
800, Anna Salai
Chennai - 600 002.

2. The Superintending Engineer (Civil)
Mettur Thermal Power Station
Mettur Dam.

.. Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 1st respondent in Letter No.028669/G9/G91/W.P.No.32436/89-1 dated 3.12.2003 and quash the same and consequently direct the respondents to provide employment to the petitioner's daughter S.Valarmathi on compassionate ground for having taken over the lands belonging to her family which was their only source of livelihood.

For Petitioner : Ms.V.Porkodi
for Mr.V.Ajoy Khosh

For Respondents : Mr.S.Haroon-Al-Rasheed
for M/s.T.S.Gopalan & Co.

WEB COPY
O R D E R

The writ petition is filed to quash the order of the 1st respondent in Letter No.028669/G9/G91/W.P.No.32436/89-1 dated 3.12.2003 and to direct the respondents to provide employment to her daughter S.Valarmathi on compassionate ground, in lieu of acquisition of her lands for construction of Mettur Thermal Power Station.

2. The brief facts of the case projected by the learned counsel for the petitioner is that originally the land situated in S.No.702/3, having an extent of 3.03 acres in P.N.Patti Village was assigned to one Govindasamy, from whom, the petitioner and her mother Palaniammal had jointly purchased it in the year 1975 by an unregistered sale deed. Since from the date of purchase, the petitioner was in possession of the property. While so, in the year 1982, the first respondent acquired the lands of the petitioner and also from other persons in the said locality, on assurance that employment would be provided to one of the family members of the land owners, against acquisition of their lands. Based on which, the petitioner made representations to the respondents, but her claim was rejected vide impugned order. Challenging the same, the petitioner is before this Court.

3.1 The learned counsel appearing for the respondents would submit that the land is a Government Poramboke land assigned to its original owner and therefore it cannot be transferred to some other persons. Admittedly, the petitioner had purchased this property under an unregistered sale deed and moreover, the patta that stood in her name was cancelled. Hence, the petitioner is not entitled to get any benefit, as the scheme provides employment only to the patta-holders and not to poramboke land occupants.

3.2 The learned counsel for the respondents would further submit that the District Collector, Salem, in his proceedings dated 07.12.1982 have informed that on account of acquisition of their lands, the aggrieved persons who seek employment, can submit their application before 18.12.1982, whereas the petitioner has submitted her representations only on 05.01.1996 and 16.05.1997. Therefore, in view of inordinate delay on the part of the petitioner to make her representation to the first respondent, her claim seeking employment to her daughter came to be rejected.

4. This Court heard the learned counsel on both sides and perused the records.

5. Admittedly, in the affidavit filed by the petitioner in support of the writ petition, it is stated that the petitioner has not asserted any title of Govindasamy, her purchaser, and it is seen that the land was assigned to Govindasamy by the Government, and that she herself and her mother had purchased the land from Govindasamy under the unregistered sale deed, and subsequently, the patta granted in her favour was also cancelled.

6. Since the property is a poromboke land originally assigned to Govindasamy and the petitioner has not availed any title deed from Govindasamy, her purchaser, and whether Govindasamy has got any right to transfer the property or not, in favour of the petitioner, is not established before the Court. Admittedly, the land was stated to be a patta land and later, the patta granted in favour of the petitioner was cancelled and thereafter, no patta stands in the name of the petitioner at the time of acquisition. That apart, as stated by the learned counsel for the respondents, the proceedings of the District Collector, Salem was issued on 07.12.1982, informing that the applications are invited from the family members of the land losers before 18.12.1982, whereas, the petitioner has not approached the respondents immediately and only after a lapse of 14 years of said acquisition, the petitioner had made representations on 05.01.1996 and 16.05.1997 respectively. This was even admitted by the petitioner in her affidavit. In such circumstances, the petitioner does not deserve to get any relief as sought for in the writ petition and the writ petition has to fail.

7. In the result, this Court does not find any merit in the writ petition and accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Chief Engineer (Personnel)
Tamil Nadu Electricity Board
800, Anna Salai, Chennai - 600 002.
2. The Superintending Engineer (Civil)
Mettur Thermal Power Station, Mettur Dam.

+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.40212

W.P.No.22041 of 2004

SR-II(CO)
CS/18/01/2021