

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

Writ Petition No.27175 of 2010 and
M.P.No.1 of 2010

P.Neelakandan

... Petitioner

Vs

1. The Chief Engineer,
North Chennai Thermal Power Station,
Chennai-600 120.

2. The Superintending Engineer,
Civil Maintenance,
North Chennai Thermal Power Station,
Chennai-600 120.

3. The Executive Engineer,
Civil Maintenance,
North Chennai Thermal Power Station,
Chennai-600 120.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 2nd respondent in Lr.No.SE/CM/NCTPS/AEE.LA/JE/F.WP.37827 of 2003/D596/10 dated 28.05.2010, quash the same and direct the respondents to provide suitable employment assistance to the petitioner or anyone of his family members.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.T.S.Akash

for M/s.T.S.Gopalan & Co.

O R D E R

Challenging the impugned order passed by the 2nd respondent in Lr.No.SE/CM/NCTPS/AEE.LA/JE/F.WP.37827 of 2003/D596/10 dated 28.05.2010 and to quash the same with a further direction, directing the respondents to provide suitable employment assistance to the petitioner or anyone of his family members, the present Writ Petition has been filed.

2. Learned Counsel appearing for the petitioner submitted that the petitioner has come to this Court during 2010, when he was 41 years seeking employment assistance in the office of the North Chennai Thermal Power Station, Chennai on the ground that when the lands belonging to him and others covered in S.No.946/1C, Vallur Village, Ponneri Taluk were acquired for expansion of the North Chennai Thermal Power Station, the respondents should have provided employment assistance to him and since they have failed to provide employment assistance to the petitioner, a representation was given to the respondents.

3. The learned Counsel for the petitioner further submitted that employment assistance were given to one Parimala, D/o.Pandiyar and Perumal, who were residing in the same Survey Number and displaced along with him. While so, the 3rd respondent, by Proceedings dated 19.11.2002, rejected the application of the petitioner on the ground that his case was not recommended by the Revenue Divisional Officer, Ponneri, Tiruvallur District. When the petitioner approached the Revenue Divisional Officer, Ponneri, Thiruvallur District along with relevant documents on 16.12.2002, after enquiry, the Revenue Tahsildar recommended his case for employment to the 2nd respondent, who in turn, sent a reply to the Revenue Divisional Officer, Ponneri, Thiruvallur District dated 24.6.2003 stating that his case cannot be considered. In view of the above dispute, the petitioner filed W.P.No.37827/2003 seeking to issue a Writ of Mandamus to provide employment assistance to him. By order dated 13.8.2004, this Court partly allowed the said writ petition, setting aside the order of the 3rd respondent therein stating that the case of the petitioner falls within the case of 241 persons and moreover when the subject matter was considered by a Division Bench of this Court in W.A.Nos.210 and 280/1999, a direction was issued to the Board to consider the request of the petitioner. Therefore, on that basis, the order passed by the 3rd respondent therein for providing employment assistance was set aside. In view thereof, the petitioner is entitled to get the employment assistance, it is pleaded.

4. Opposing the above prayer, the learned Counsel appearing for the respondents stated that the request of the petitioner seeking employment assistance has to be rejected on two grounds. Firstly, the petitioner is now aged about 51 years. Therefore, he is not entitled to get employment assistance as he is over aged. Secondly, it is the admitted case of the petitioner that S.No.946/1C, Vallur Village, Ponneri Taluk is not a patta land of the petitioner and it was only a Poramboke.

5. Replying to the said statement, the learned Counsel for the petitioner stated that it is only a Natham Poramboke. Therefore, the petitioner was displaced on account of acquisition for expansion of the North Thermal Power Project. Hence, he is entitled to get the employment assistance.

6. But this Court is unable to find any merit in the contention of the learned Counsel for the petitioner for two reasons. Firstly, when the petitioner claimed that he was residing in S.No.946/1C, Vallur Village, Ponneri Taluk, he has not produced any revenue records showing that he was a pattadar of the said land. Moreover, there is no other document like Sale Deed etc. has been produced to show that the petitioner is the owner of the said land. Secondly, when the petitioner has admitted the fact that he was residing at Survey No.946/1C, Vallur Village, Ponneri Taluk, at the time of providing him with alternate land, he was not entitled to get compensation in the event of his displacement from the place-in-question, since he was not the owner of the land. Admittedly, as on date, no other documents were produced before this Court showing that the petitioner was paid with any compensation for having acquired the land-in-question that shows that he was not the owner of the land-in-question. It appears that he was paid compensation only on the structural value, but not on the land value. In view of all the above, the petitioner is not entitled to get any employment assistance.

7. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Chief Engineer,
North Chennai Thermal Power Station,
Chennai-600 120.
2. The Superintending Engineer,
Civil Maintenance,
North Chennai Thermal Power Station,
Chennai-600 120.

3. The Executive Engineer,
Civil Maintenance,
North Chennai Thermal Power Station,
Chennai-600 120.

+1 CC to M/s. S.M. Ravichandran, Advocate 20140

+1 CC to M/s. T.S. Gopalan & CO, Advocate 20009

W.P.No.27175 of 2010

RSI CO

MRP 6 copies



WEB COPY