

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28985 of 2013

And

M.P.No.1 of 2013

- 1.M.Ramachandran (Died)
- 2.Annakili
- 3.Muthu Bharathi
- 4.Muthukrishnan

(Petitioners 2 to 4 substituted as per the order of this Court dated 18.08.2020 made in W.M.P.No.13263 of 2020 in W.P.No.28985 of 2013.) Petitioners

Vs.

- 1.The Chairman,
Tamilnadu Electricity Board,
Anna Salai,
Chennai - 600 002.
- 2.The Chief Engineer,
North Madras Thermal Power Station,
Chennai 600 057.
- 3.The Collector,
Thiruvallur District,
Thiruvallur.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in his Proceedings No.Th.Po./Va.Se.Amini/ Me.Pa.Po/ka.pa/u.se.po./e.ni.po/ko. Writ No.24947.2010/No.255/2011 dated 22.03.2011 and quash the same and direct the respondents herein to consider the claim of the petitioner afresh so as to give suitable employment to any one of the family members of the petitioner.

For Petitioners	: Mr.J.Ramakrishnan
For Respondents	: Mr.Karthik Rajan for R1 and R2 Mr.S.Thangavel for R3

Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the second respondent in his Proceedings No.Thi.Po./Va.Se.Amini/Me.Pa.Po/ ka.pa/u.se.po./e.ni.po/ko. Writ No.24947.2010/No.255/2011 dated 22.03.2011 and to quash the same and to direct the respondents to consider the claim of the petitioner afresh so as to give suitable employment to any one of the family members of the petitioner.

2.Since the writ petitioner died during the pendency of this writ petition, his legal heirs are substituted as petitioners 2 to 4 in this writ petition.

3.The case of the deceased petitioner is that the second respondent acquired larger extent of lands including his lands comprised in S.No.6/3 in Patta No.426 of an extent of 0.80 cents for establishing North Chennai Thermal Power Project. In addition to the compensation an understanding was reached between the parties and accordingly the Tamil Nadu Electricity Board agreed to provide employment assistance to those persons or dependant or nominees of the families, whose lands were acquired. Hence, he made representation to the respondents seeking employment to any one of the family members and since his representation was not considered, he filed W.P.No.24947 of 2010 before this Court. This Court vide order dated 11.11.2010 directed the deceased petitioner to appear before the second respondent along with relevant documents within a time frame. Accordingly, he also appeared before the second respondent along with relevant documents. However, without considering his request, the second respondent passed the impugned order. Hence, this writ petition.

4.The learned counsel appearing for the petitioners would submit that in addition to the compensation for the acquired lands, an understanding was reached between the parties and accordingly the Tamil Nadu Electricity Board agreed to provide employment assistance to those persons or dependant or nominees of the families, whose lands were acquired. Subsequently, the other persons whose lands were acquired also benefited, however, the benefit was not given to the petitioners.

5.The learned counsel appearing for the petitioners would further submit that initially the deceased petitioner was doing agricultural work in the acquired land and thereafter, after his lands were acquired, he shifted his residence to Chennai city and started practising Homeopathy medicine in the nearby

village. Hence, the reason assigned in the impugned order is un-sustainable one. Accordingly, he prayed for allowing the writ petition.

6.Though notice was ordered by this Court as early as on 25.10.2013, the respondents have not yet filed counter affidavit. Hence, this Court proceeds the case with the materials available on record.

7.Perusal of the affidavit filed by the petitioner disclose that the deceased petitioner's sons, namely, the third petitioner possess Homeopathy M.D. Decree and the fourth petitioner possess B.E.(Mechanical) Decree. Hence, it is clear that the petitioners are not dependant on the acquired land. The petitioners are not able to produce any records to show that they were dependant on the acquired land for their livelihood.

8.Further, it is known that the compensation for the acquired land has been paid as early as during the year 1993 itself, whereas, the deceased petitioner has made representation to the respondents seeking employment to any one of the family members only during the year 2009. There is no proper explanation for the delay in pursuing the matter at the relevant point of time. For all the above reasons, this Court is not inclined to interfere with the impugned order.

9.The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

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Sub Assistant Registrar

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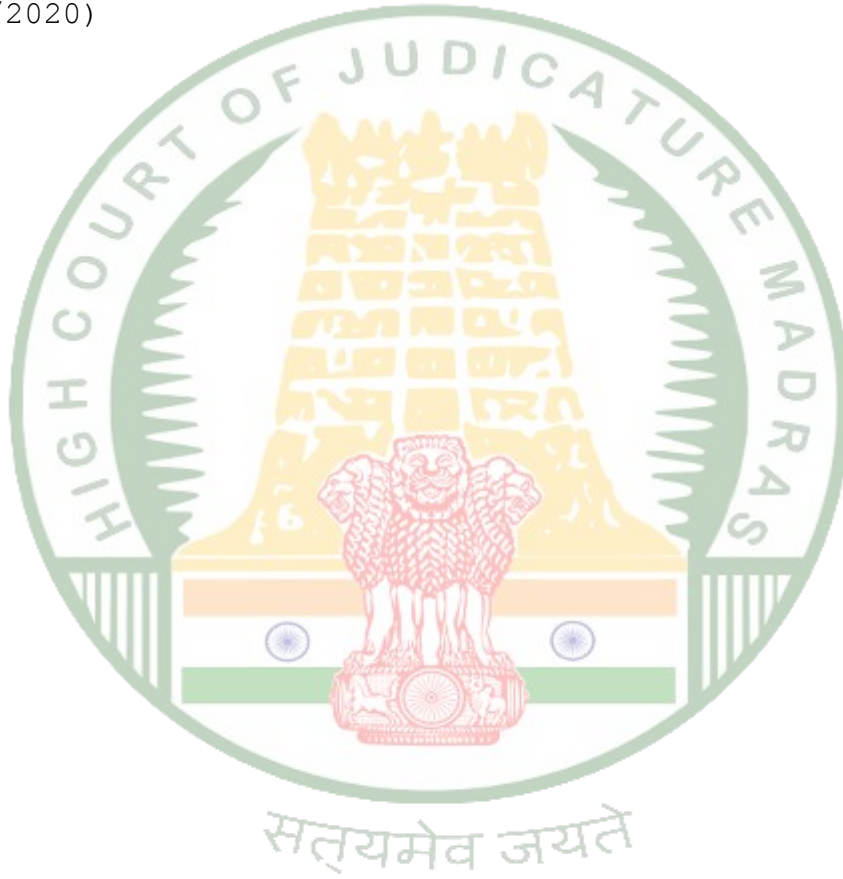
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+1cc to Government Pleader SR.No.27084

W.P.No.28985 of 2013
And
M.P.No.1 of 2013

KK (CO)
GMY (19/10/2020)



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