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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 12.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.39528 of 2016

Y. Suresh Ambrose

...Petitioner

Vs

1.The District Collector,
Vellore District,
At Vellore.

2. The Revenue Divisional Officer,
Ranipet,
Vellore District.

3.The Special Tasildhar,
Land Acquisition (BHEL) Unit -I,
Ranipet, Vellore District.

4. The Assistant General Manager,
Bharat Heavy Electrical Limited,
Ranipet, Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other writ or order or direction in the nature of writ, directing the respondents 1 to 3 to recommend the 4th respondent to appoint the petitioner in any of the post in the 4th respondent BHEL according to his educational qualification in preference to other land losers category and subsequently direct the 4th respondent to issue appointment order to the petitioner in BHEL following the policy of one job for one family of whose lands were acquired by the government for the benefit of establishment of BHEL.

For Petitioner : Mr. B. Sundara Pandiyan

For Respondents: Mr.Thippu Sulthan
Government Advocate



O R D E R

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By consent of both the parties, this writ petition is taken up for final disposal.

2. Since the petitioner's request to direct the respondents 1 to 3 to recommend the 4th respondent to appoint the petitioner in any of the post in the 4th respondent BHEL according to his educational qualification in preference to other land losers category and subsequently direct the 4th respondent to issue appointment order to the petitioner in BHEL following the policy of one job for one family of whose lands were acquired by the government for the benefit of establishment of BHEL was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 11.04.2016, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the fourth respondent herein to consider the petitioner's representation dated 11.04.2016 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the fourth respondent to consider the petitioner's representation dated 11.04.2016 on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition stands disposed of. No costs.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mrn
To

- 1.The District Collector,
Vellore District,
At Vellore.
2. The Revenue Divisional Officer,
Ranipet,
Vellore District.
- 3.The Special Tasildhar,
Land Acquisition (BHEL) Unit -I,
Ranipet, Vellore District.
4. The Assistant General Manager,
Bharat Heavy Electrical Limited,
Ranipet, Vellore District.

+lcc to M/s.B.Sundarapandiyan, Advocate Sr.32850
+lcc to M/s.Fox Mandal & Associates, Advocate Sr.32763

W.P.No.39528 of 2016

vsn II[co]
srg 06/08/2021