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IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated 09.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.32404 of 2014
and W.M.P.No.8217 of 2021

R.Velu ... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep by its Secretary,
Revenue Department,
Fort St. George,
Chennai 600 009.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Special Tahsildar (Land Acquisition),
SIPCOT, UNIT-1,
Irungattukottai Scheme,
First Floor,
No.32, Gandhi Road,
Sriperumbudur 602 105.

4.The Chairman and Managing Director,
SIPCOT,
No.19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai 600 008.

5.The Project Officer,
SIPCOT Industrial Park,
Pennalur Post,
Irungattukottai,
Sriperumbudur Taluk,
Kancheepuram District.

6.The Manager,
Hyundai Motors India Limited,
Plot No.H-1, SIPCOT Industrial Park,
Irungattukottai, Sriperumbudur Taluk,
Kancheepuram District.
(amended as per order this court made in
WMP No.8217 of 2021 dated 09.12.2021) ... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to consider the petitioner's

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representation dated 18.11.2013 by giving a job for his son Rukmangadan who has passed B.E. Mech. Engineering in the 6th respondent's Company and pass orders.

For Petitioner : Mr.S.Ramachandran

For Respondents : Mr.T.Sampath Kumar for RR1 to 3
Government Advocate
No appearance for R4 & R5
Mr.D.Abdullah for R6

ORDER

This writ petition has been filed seeking Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 18.11.2013 by giving a job to his son Rukmangadan who has passed B.E. Mech. Engineering in the 6th respondent's Company.

2. The case of the petitioner in brief:

The petitioner was having lands to an extent of 3 acres and 35 cents at No.102, Irungattukottai Village, Sriperumbudur. The third respondent acquired the land in the year 1997 for the purpose of formation of Industrial Park and certificate also issued by them to the petitioner for getting priority in employment opportunity. The petitioner approached the 6th respondent for employment, but it was rejected, since he is handicapped, however, the 6th respondent assured to give job to his son, after completion of his study.

2.1. After passing B.E.Mech. Engineering by his son, the petitioner approached the 6th respondent to provide job to his son. But it was not considered. Hence, the petitioner gave representation to the 2nd respondent on 18.11.2013 and the same was referred to the 6th respondent, through 4th respondent. The 6th respondent directed to get a certificate from the Sipcot, whether petitioner's land has been allotted to Hyundai or any other company. Therefore, the petitioner approached the 4th respondent to obtain such certificate, where, they directed to approach 5th respondent. The fourth and fifth respondent made the petitioner to run pillar to post. Thereafter, the Project Officer, Hyundai Company issued a certificate on 09.04.2014, confirming that the petitioner's land has been allotted to M/s Hyundai Motors. However no action was taken to his representation. Hence this writ petition.

3. The respondents 1 to 3 have filed counter affidavit, wherein, it is stated as follows:

The petitioner's lands to an extent of 1.11 acres, out of 3.35 acres were acquired and the lands of the petitioner and others were handed over to the SIPCOT. The SIPCOT would in turn allotted the lands to the respective companies, the

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details of which are known only to the SIPCOT. A direction was given by the company to give a job only to the members of the petitioner's family. After passing awards on 12.06.1998 and 05.10.1998, the request of employment was made then. The petitioner did not mention that the lands was only major source of sustenance of that family. The petitioner deserves no consideration and hence the writ petition is liable to be dismissed.

4. The fourth and fifth respondent filed counter affidavit, wherein, it is stated as follows:

An extent of 536.54 acres of land, including the petitioner's land was allotted to the 6th respondent for setting up their car project. After acquisition of the lands, a certificate was issued by the Special Tahsildar (LA), SIPCOT on 07.03.2001 to the petitioner, for getting priority in employment opportunity. However, the petitioner requested the SIPCOT, indicating the name of the company to whom the subject lands were allotted, through the second respondent vide letter dated 17.02.2014 and the project officer, SIPCOT, issued a letter on 09.04.2014, confirming that the lands acquired from the petitioner was allotted to M/s Hyundai Motor India Limited. Therefore, this writ petition is liable to be dismissed.

5. The sixth respondent filed counter affidavit, wherein, it is stated as follows:

Originally, the lands in question to an extent of 4.24 acres were owned by one Ruthrakotti Naicker, and he purchased the same under sale deeds on various dates and he died on 30.07.1990 leaving behind his wife, sons and daughters. The petitioner was one of the legal heirs of Ruthrakotti and he got 1/7 share in the lands. Later, compensation was paid to him towards his apportionment of 1/7th share.

5.1. The government policy to provide employment by private sector undertaking to one member of the land giver, is subject to the condition that the " land should be the major source of sustenance for that family". One Karunakaran is the brother of the petitioner. At the relevant point of time, the petitioner exercised his option and consented to employ his brother's son Mr.Amaresan, who was then qualified to be employed and accordingly, the saidMr.Amaresan is working in the respondent company as a land giver, since the year 2006.

5.2. The land giver is akin to compassionate employment, to tide over the immediate financial set back and to immediately redeem the family in distress and not to be used as a future bonanze. Thus, the provision of employment made under land acquisition manual cannot be claimed as a matter of right, as it is not a vested right. The sixth respondent is not in a position to consider the case of the petitioner, which is after 23 years, after setting up of the factory and now, there are no vacancies available. The petitioner is not fulfilled the legal requirements to claim the relief. Hence the writ petition is liable to be dismissed.

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6. Heard the rival submissions made by the learned counsel appearing to both the parties and I have perused the materials on record.

7. It is the Government Policy that as per G.O.(Ms) No.356 dated 29.06.1978, employment assistance was provided to the families displaced owing to acquisition of their lands for establishment Public Sector Undertakings. Further, as per G.O. (Ms).No.324, dated 18.03.1986, the Land Acquisition Manual 1967 was amended by adding Clause 6(f) in Form 22 in Apendix XII, to provide employment without reference to the employment exchange, atleast to one member of each family displaced on account of acquisition of lands for such company, provided that the acquired land should have been major source of sustenance for that family and the Tahsildar, not below the rank of Taluk Tahsildar, to certify that the acquired land was the only major source of sustenance of that family, before the recruitment is made.

8. Further more, it is the contention of the petitioner that he requested the sixth respondent to give employment to her son, however, it was rejected by the 6threspondent. Without challenging the rejection order, after a lapse of 23 years from the date acquisition of the land and handing over to the company, the petitioner had approached the sixth respondent seeking employment. Apart from that, the petitioner has not proved that the lands, which were acquired, are the major source of sustenance for his family. The contention of the sixth respondent is that the petitioner has not approached the court with clean hands, since he had given option and consent to give employ to his brother's son Mr.Amaresan and accordingly, he was given employment and he is working in the respondent company as a land giver. The above contention is not denied by the petitioner. Therefore, considering the facts and circumstances case, and also taking into account the above government policy, this court is of the opinion that there is no ground to consider the request of the petitioner to issue appropriate direction to the sixth respondent for giving employment to her son. Hence, the writ petition is liable to be dismissed.

9. Accordingly, this writ petition is dismissed. No costs. However, this court will not stand in a way to consider the petitioner's representation by the sixth respondent.

Sd/-
Assistant Registrar(CS IX)

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Sub Assistant Registrar

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To

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Revenue Department,
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2.The District Collector,
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Pennalur Post,
Irungattukottai,
Sriperumbudur Taluk,
Kancheepuram District.

+1 cc to Mr.D.Abdullah ., Advocate Sr.NO. 65384
+1 cc to Mr.S.Ramachandran, Advocate Sr.NO. 65214
+1 cc to Government Pleader Sr.NO. 66166

W.P.No.32404 of 2014

PVS(CO)
A.SK(17/03/2022)

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