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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.22736 of 2014

R.Thangaraj

... Petitioner

Vs.

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Deputy Collector,
Land Acquisition, Neyveli - 2.
3. The Special Tahsildar, (No.XX),
Land Acquisition, Neyveli 2.
4. The Chairman,
The Neyveli Lignite Corporation,
Corporate Office, Block-1, Neyveli Township.
5. The General Manager,
The Neyveli Lignite Corporation
(Land Acquisition),
No.3, Kamarajar Salai,
Block-16, Neyveli Township.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to provide employment to the petitioner's son Mr.T.Anandakumar under the category of persons/affected/displaced by Land Acquisition in respect of his lands under a scheme by way of compensatory and rehabilitation package within a time frame.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.C.Selvaraj
Government Advocate (Civil)



O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to provide employment to the petitioner's son Mr.T.Anandakumar under the category of persons/affected/ displaced by Land Acquisition in respect of his lands under a scheme by way of compensatory and rehabilitation package within a time frame that may be fixed by this Court.

2. The petitioner has lost his land in acquisition made in favour of the third respondent for its mining operations. As per Government Order, the persons, whose land were acquired, were given employment in view of sudden displacement for rehabilitating their lives. Accordingly, an Award was passed on 29.11.1985 and as per the Award, the District Collector prepared the name of 629 persons, whose land were acquired and sponsored their names to the third respondent for employment. Thereafter, the applications were received from the persons affected by the acquisition through the press advertisement of Local Administrative Department published in Tamil Daily calling for an application in the year 1998. Eventhough the petitioner's name was sponsored by the District Collector, he has not turned up to receive the application and to avail the opportunity. It was decided that all the eligible persons pertaining to the Awards passed from 01.01.1977 to 30.06.1989 including the final list of 629 persons had been considered and there can not be any other claims. Since the petitioner has not availed an opportunity, the matter has become final and exhausted. After a period of 30 years, the petitioner made a representation seeking an employment to his son, who has completed a Degree Course in Electronics. Since the process of giving employment has become final in the year 1998, the third respondent has not considered the application made by the petitioner favorably. Therefore, the petitioner has approached this Court seeking a direction to the third respondent to provide an employment to his son.

3. It is admitted that at the time of acquisition, the petitioner 's son was not born or two years old at the time of Award passed by the District Collector. There cannot be any reservation against employment given for rehabilitation of the family. It is well settled that the employment is given to rehabilitate families, who are suddenly displaced by the acquisition. In the case of the petitioner, he could survive without employment and educate his son. Therefore, he has not entitled to the benefits of the rehabilitation provided by the Government. The rehabilitation given to the families by way of employment in the Requisition Body is not a fundamental right, but it is a social welfare measure. Therefore, the petitioner



is not entitled to get employment under the scheme, which was concluded as early as 1998 itself.

4. Hence, the relief sought for in this Writ Petition cannot be granted. However, whenever the recruitment is made, the third respondent is directed to consider the petitioner's son under land loser if he is otherwise eligible for selection.

With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

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Cuddalore.
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5. The General Manager,
The Neyveli Lignite Corporation
(Land Acquisition),
No.3, Kamarajar Salai,
Block-16, Neyveli Township.

+1cc to Mr.N.Nithianandam, Advocate Sr.30676
+1cc to the Government pleader Sr.31161

W.P.No.22736 of 2014

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srg 09/08/2021