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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.19668 of 2021

P. Manivannan

...Petitioner

Versus

1. The District Collector of Kallakurichi,
Kallakurichi District, Kallakurichi.
2. The Revenue Divisional Officer,
Kallakurichi District, Kallakurichi.
3. The Tahsildar,
Chinnasalam Taluk,
Chinna Salem.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 28.06.2021, which is for seeking an appointment on the basis of the Government Order in G.O. (Ms).No.188, dated 28.12.1976, pertaining to the lands of the petitioner's paternal grand mother were acquired by the Government as per the Award No.4/78-79 dated 12.09.1978 passed by the Special Tahsildar, Kallakurichi.

For Petitioner : Mr.T.S.N.Prabhakaran
For Respondents : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the respondents to consider the petitioner's representation, dated 28.06.2021, based on the G.O.(Ms).No.188, dated 28.12.1976, pertaining to the lands of the petitioner's paternal grand mother were acquired by the Government as per the Award No.4/78-79, dated 12.09.1978 passed by the Special Tahsildar, Kallakurichi.



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2. The case of the petitioner is that his paternal grandfather by name Ramasamy Konar, was the absolute owner of the property bearing R.S.No.58/3 and 58/5 at Palrampattu Village measuring an extent of 3.92 acres and 20 cents respectively. Subsequently, he died after leaving behind his wife. Thereafter, his grand-mother by name Ramayee Ammal, become the owner of the property. While she was cultivating the above said property, the Government of Tamil Nadu through its Land Acquisition Commissioner acquired her property in R.S.No.58/3 and 58/5 as per the proceedings of the Special Tahsildar and having fixed the rates as Rs.25,041.95 for the land in R.S.No.58/3 and a sum of Rs.1277.65 for the land bearing R.S.No.58/5 a total sum of Rs.26,310.60. Thereafter, the petitioner's grand mother did not receive any compensation amount from the respondents. Following the series, it came to her knowledge that the compensation amount has already been deposited by the officials concerned at the Treasury of Virudhachalam as per below the poverty line certificate issued by the 2nd respondent dated 24.09.2019 in Na.Ka.A2/2764/2019 issued by the 3rd respondent/Tahsildar, Chinnasalem. However, the third respondent directed the concerned authorities to give preference in Government service. Since 2012 the petitioner is an unemployed person, inspite of he has been completed D.M.E course with 84% marks. Now, the petitioner requests a Government Job based on the G.O.(Ms)No.188, dated 28.12.1976. However, the Neyveli Lignite Corporation Limited had acquired the aforesaid property from various farmers, but not paid the suitable compensation and they have not provided Government Job to anyone of the family members of the farmers. Therefore, the petitioner has sent a representation to the respondents herein, they have not considered on the representation of the petitioner. Finally, the first respondent/Collector sent a copy of letter to the petitioner on 15.07.2021 in proceedings No.O.Mu.Aa.1/6888/2021, dated 15.07.2021, which was addressed to the second respondent/RDO, but no order has been passed on the same. Hence this petition.

3. Heard both side and perused the records.

4. On perusal of the records, it is seen that the petitioner's grandmother by name Ramayeeammal, W/o.Ramasamy Konar, was the absolute owner of the property bearing R.S.Nos.58/3 and 58/5 at Palrampattu Village measuring an extent of 3.92 acres and 20 cents respectively and the same was acquired by the Government of Tamil Nadu, Land Acquisition Department. Subsequently, an Award No.4/78-79 dated 12.09.1978,



had been passed by the Special Tahsildar, Kallakurichi, for a sum of Rs.26319.60 to the petitioner's grandmother. Now, the petitioner has requested the respondents herein to provide a Government Job based on the G.O.(Ms).No.188, Personnel and Administrative Reforms (Per.P) Department, dated 28.12.1976.

5. In the said Government Order, it has been clearly stated that as follows:-

"the members of the family (including members of Scheduled Caste/Scheduled Tribe) whose lands have been acquired for Government purposes as well as for the projects of the Public Sector Undertakings subject to the condition that preference should be given to those who are dependent for their livelihood primarily or wholly on the lands acquired and from among them to members of the Scheduled Castes and Scheduled Tribes who may be eligible for employment".

But, at the same time, the officials of the respondents are not the Competent Authority to provide any employment to the petitioner.. Therefore, the petitioner has to approach the Government of Tamil Nadu, who are the Competent Authority for appointing the petitioner in the Government Jobs. Hence, the prayer sought for by the petitioner cannot be granted.

6. In view of the above, the Writ Petition is dismissed. However, the petitioner is at liberty to approach the Competent Authority and submit all the relevant documents and the same can be considered by the Competent Authority. Consequently, connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

gba/msm
To

1. The District Collector of Kallakurichi,
Kallakurichi District,
Kallakurichi.



2. The Revenue Divisional Officer,
Kallakurichi District, Kallakurichi.

3. The Tahsildar,
Chinnasalam Taluk, Chinnasalam.

+1 CC to Mr.T.S.N.Prabhakaran, Advocate sr 48291
+1 CC to The Government Pleader sr 49056.

W.P.No.19668 of 2021

PL (CO)
SP (21/12/2021)