



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.11523 of 2017

S.M.Surendran

... Petitioner

Vs.

1.The Commissioner,
Corporation of Madurai,
Madurai.

2.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
Ganesh Nagar, Near Law College Hostel,
Opp.Mattuthavani Bus Stand,
Melur Road, Madurai.

3.The District Employment Officer,
District Employment Office,
Madurai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to issue an Employment Preference Certificate to the petitioner and consequently direct the respondents to provide employment to the petitioner by following G.O.Ms.No.188, Personal and Administrative Reforms (Per.P) Department, dated 28.12.1976.

For Petitioner : M/s.M.Benazir Begum

For R1 : Mr.T.S.Mohammed Mohideen
Standing Counsel

For R2 : Mrs.Porkodi Karnan
Standing Counsel

For R3 : Mr.M.Muthugeethayan
Special Government Pleader



O R D E R

This writ petition has been filed for a direction to the third respondent to issue an Employment Preference Certificate to the petitioner and consequently, direct the respondents to provide employment to the petitioner, by following G.O.(Ms).No.188, Personal and Administrative Reforms (Per.P) Department, dated 28.12.1976.

2. The case of the petitioner is that the petitioner's father owned a land in Survey No.119/4 to an extent of 51 cents situated at Kochadai Village, Madurai Sourth Taluk. For the formation of head works of Thirupparangundram Water Supply Scheme, the said land and other lands were acquired by the Government of Tamil Nadu, vide Notification dated 05.11.1975. However, they were paid only meagre amount of compensation. Aggrieved by the same, the petitioner has made a representation to the District Revenue Officer, requesting him to give proper compensation and to provide employment preference, as per G.O.(Ms.).No.188, Personnel and Administrative Reforms (Per.P), Department, dated 28.12.1976. However, till date no order was passed. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that as per G.O.(Ms.).No.188, Personnel and Administrative Reforms (Per.P), Department, dated 28.12.1976, the Members of the family whose lands have been acquired for Government purposes as well as for the projects of the Public Sector Undertakings are entitled for preference and preference should be given to the dependent for their livelihood primarily or wholly on the lands acquired and from among the family members. However, in the present case, the said benefit was not extended to the petitioner. Hence, this Court may issue a direction to the respondents to pay fair compensation or any employment to the petitioner, by following G.O.(Ms).No.188, Personal and Administrative Reforms (Per.P) Department, dated 28.12.1976.

4. Heard the learned counsel for the petitioner, learned counsel for the respondents and perused the materials available on record.

5. The facts in the present case are not in dispute. Admittedly, the petitioner's family land was acquired in the year 1978, by the Government. However, proper compensation was not paid and employment priority certificate was also not issued, in terms of G.O.(Ms).No.188, Personal and Administrative Reforms (Per.P) Department, dated 28.12.1976. This Court is of the view that the petitioner's land was acquired in the year 1978. However, the petitioner has not taken any steps and after lapse of nearly four



decades, the petitioner has filed the present writ petition for compensation and preference in employment. Hence, the prayer sought for by the petitioner in the present writ petition cannot be considered at this distant point of time. Accordingly, this Writ Petition is dismissed. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

akv

To

1.The Commissioner,
Corporation of Madurai,
Madurai.

2.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
Ganesh Nagar, Near Law College Hostel,
Opp.Mattuthavani Bus Stand,
Melur Road, Madurai.

3.The District Employment Officer,
District Employment Office,
Madurai.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-12231[F] dated 18/03/2021)

+1 CC to MR.T.S.MOHAMED MOHIDHEEN, Advocate (SR-12426[F] dated 19/03/2021)

W.P. (MD)No.11523 of 2017

18.03.2021

—

KM(21.06.2021) 3P 6C