



W.P.No.548 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.548 of 2015

V.Poongodi

... Petitioner

-Vs-

1. The Tamil Nadu Electricity Board,
Rep. by its Chairman cum Managing Director,
TANGEDCO,
Chennai - 600 002.

2. The Chief Engineer,
Mettur Thermal Power Station,
Mettur Dam.6,
Salem District.

3. The Additional Chief Engineer,
Mettur Thermal Power Station,
Mettur Dam.6,
Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent in his communication Lr.No.ACE / C / MTPS-1/LA/F.EMP.Asst(358)/D.No.69/14 dated 11.07.2014 to quash the same and further direct the 3rd respondent to appoint the petitioner to the 3rd respondent office.



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For Petitioner : Mr.M.Raja Sekhar

For Respondents : Mrs.S.B.Keerthana (for R1 to R3)
for M/s.T.S.Gopalan & Co.

ORDER

The order dated 11.07.2014, rejecting the claim of the writ petitioner for appointment under the land loser's category is under challenge in the present writ petition.

2. The writ petitioner states that he was born on 05.03.1994 to one Mr.Ganesan and Alamelu and the said Mr.Ganesan is the younger brother of the said Madhammal and the mother of the writ petitioner, passed away while giving birth to her. The respondents acquired the land belongs to the said Madhammal, for the purpose of formation of Thermal Power Project at Mettur. The 4(1) notification was issued on 14.10.1988 and the land was acquired for the said Mettur Thermal Power Project.

3. The petitioner states that on 06.01.1995, her father Mr.Ganesan executed an adoption deed in favour of the above said Madhammal and



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from the date of adoption, the petitioner was brought up and educated by the said Madhammal. After the completion of the acquisition proceedings, the award was passed on 20.03.2003. Thus, the petitioner claims that she is entitled for appointment under the priority category.

4. The learned counsel for the petitioner states that the land belongs to her father and mother Madhammal, was acquired for Thermal Power Plant by the respondents. While acquiring the said land, the scheme prevailing was to provide one appointment to the land losers family. In view of the fact that the petitioner is an adopted daughter of the said Madhammal, the petitioner is entitled for an appointment under the priority category. She submitted an application for providing appointment and the said application was rejected on the ground that the adopted daughter is not eligible for appointment under the scheme and further, it is contended that the adoption itself is not valid.

5. The learned counsel for the petitioner reiterated that the adoption was validly made by the said Madhammal. The said Madhammal has no issues and therefore, she adopted the writ petitioner.

Thus, the adoption which was validly made during the relevant point of



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time is to be taken into consideration for the purpose of providing appointment under the priority quota.

6. In this regard, the learned counsel for the petitioner relied on the judgment of the Division Bench of this Court in the case of ***V.Ravichandran Vs. R.Ramesh Jayaram & Others***, reported in **1998 (3) LW 822**, wherein the validity of adoption was considered by the Division Bench, as follows:

"22 As held by the Apex Court, the oral evidence of the witnesses deposing about the ceremony of adoption shall be trustworthy and there should be details of the events in ceremony ending with the usual feast following it. In the ceremony it is very essential that the natural parent shall give the child in adoption and the adoptive parent shall declare in the presence of the relatives and friends, who attended the ceremony that they accepted the child in adoption. As stated earlier, the object of this declaration in the midst of members of both the families is to secure due publicity. If no such ceremony is performed, then the intention of the parties cannot be gathered."

7. Relying on the above judgment, the learned counsel for the petitioner is of the opinion that the order of rejection is untenable and the



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WEB CO reasons stated are in violation of the scheme for providing priority to the land losers.

8. The learned counsel appearing on behalf of the respondents objected the said contentions by stating that in G.O.Ms.No.656, Labour and Employment Department dated 29.06.1978, the government issued orders regarding the procedure for grant of employment assistance to the families displaced on account of acquisition of land. The said government order was adopted by the Tamil Nadu Electricity Board in Board Proceedings MS.No.24 (Secretariat Branch) dated 10.01.1980. One of the condition for providing employment assistance is that one member of each family which is displaced on the account of acquisition of lands for any project of such Public Sector Undertaking etc., provided that the acquired land should have been the only or major source of sustenance of that family.

9. In the present case, the land ouster has not been financially affected consequent to the acquisition of the land or it is only source of the sustenance of the family. In view of the fact that the above condition



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has not been established by the land loser, the case of the writ petitioner was not considered for providing appointment on priority basis.

10. Further it is stated that the adopted son / daughter of the land ousters for giving employment assistance can be considered provided that the adoption is in accordance with provisions of the Hindu Adoptions and Maintenance Act, 1956. It is seen from the Adoption Deed that the adoption of the petitioner by the land ouster Madhammal is not in accordance with Section 8 read with Section 5 & 6 of the Hindu Adoption and Maintenance Act, 1956. The conditions stipulated in the said Act under clause (c) of the said Act has not been satisfied in the case of the writ petitioner. Among other things Clause (c) of section 8 of the said Act provides as follows:

"(c) who is not married, or if married, whose marriage has been dissolved or whose husband is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a Court of competent jurisdiction to be of unsound mind, has capacity to take a son or daughter in adoption."

11. This Court is of the considered opinion that the acquisition proceedings commenced during the year 1988 and it was concluded by passing an award in the year 2003. Almost 34 years lapsed from the



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commencement of acquisition proceedings. The process of selection also underwent many changes in the Tamil Nadu Electricity Board. During the relevant point of time, the petitioner could not able to establish that she is eligible for appointment on priority quota.

12. This being the factum established, this Court, is not inclined to consider the relief as such sought for in the writ petition. Accordingly, the writ petition stands dismissed. No costs.

29.06.2022

Index: Yes/No
Speaking/Non-speaking order.
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To

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Tamil Nadu Electricity Board,
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2. The Chief Engineer,
Mettur Thermal Power Station,
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S.M.SUBRAMANIAM, J.



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