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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.3905 OF 2014

C.Sanjai Gandhi

... Petitioner

-Vs-

1. The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
Civil/Water Electricity Scheme,
Town Fort,
Bhavani -2,
Erode District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the Letter No.013391/G64/G641/1990 dated 14.11.2013 passed by the first respondent and quash the same consequently directing the respondents to appoint the petitioner for the post of helper (Trainee) under one member in each family scheme at Mettur barrage.

For Petitioner : Mr.M.Elango

For Respondents : Mr.Leeban Arivalagam
for M/s.T.S.Gopalan & Co.

ORDER

The order rejecting the claim of the writ petitioner to provide employment on priority category of land losers is under challenge in the present writ petition.



2. The petitioner states that his ancestral property located at Cauvery river bank between Mettur and Bhavani was acquired by the Tamil Nadu Electricity Board during the year 1993 for construction of barrage. The barrage construction was called as Lower Mettur Hydro Project and the scheme was implemented at four phase. The lands belonging to 567 persons were acquired by the Government and a promise was made to provide appointment to all such land-losers.

3. The grievance of the writ petitioner is that his grand father owned the land and it was ancestral property and subsequently application was made to provide employment. But till today the case of the writ petitioner is not considered and thus the petitioner was constrained to move the present writ petition.

4. No doubt the Government has taken a policy to give priority to land-losers, while acquiring the land for public purposes. In the present case, the learned counsel for the respondent relying on the counter affidavit, made a submission that already an employment was given to one of the family members of the writ petitioner. The lands were in the name of Mr.Kandappan, S/o Mr.Palaniappa Gounder. The said Kandappan has four sons and he by communication dated 23.01.1992 nominated his younger son Mr.Mailsamy for employment. Accordingly, Mr.Mailsamy was provided employment in TANGEDCO on 25.10.1992 vide memo No.013391/R6(1)/1990-18.

5. As employment has already been provided to one of the family members, from whom the lands were acquired for lower Mettur Hydro Project, the question of once again providing employment to the petitioner does not arise at all. Further it is contended that there is a delay and lapse in respect of claim of the writ petitioner and that apart, the petitioner is not a legal heir of the person from whom the land was acquired. One of the legal heir of the original owner was provided with employment.

6. In view of the fact that the respondents have already been provided an employment to the legal heir of the land owner from whom the land was acquired and the petitioner has filed the present writ petition after a long period, the relief as such sought for in the writ petition deserve no merit for consideration.



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7. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

mrm

To

1. The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
Civil/Water Electricity Scheme,
Town Fort,
Bhavani -2,
Erode District.

+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.32586

+1cc to Mr.M.Elango, Advocate, S.R.No.32756

W.P.No.3905 of 2014

SR(CO)
RLP(16/06/2022)