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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2022

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.20971, 20972, 20974 of 2019

R.Vellaiyan

... Petitioner
in W.P.No.20971 of 2019

A.Madammal

... Petitioner in
W.P.No.20972 of 2019

K.R.Manokaran

...Petitioner in
W.P.No.20974 of 2019

..Vs..

1. The State of Tamil Nadu,
Represented by Principal Secretary,
Department of Energy,
Fort St. George,
Chennai 600 009.
2. Tamil Nadu Electricity Board,
Represented by Chairman,
No.800, Anna Salai,
Chennai 600 002.
3. The Chief Engineer (Personal)
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai 600 002.
- 4 The Superintending Engineer (General),
Mettur Thermal Power Project,
Mettur Dam,
Salem District 636 406. ... Respondents in all W.Ps

PRAYER in W.P.No.20971 of 2019 : Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to provide suitable employment to the petitioner's son namely V.Singaravelu based on his educational qualification as per the rehabilitation scheme formulated by the respondents dated 24.08.2002, by forthwith considering the representation of the petitioner dated 29.10.2018.



PRAYER in W.P.No.20972 of 2019 : Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to provide suitable employment to the petitioner's son namely A.Vel Kumar based on his educational qualification as per the rehabilitation scheme formulated by the respondents dated 24.08.2002, by forthwith considering the representation of the petitioner dated 29.10.2018.

PRAYER in W.P.No.20974 of 2019 : Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to provide suitable employment to the petitioner's son namely M.Devasadhasivam based on his educational qualification as per the rehabilitation scheme formulated by the respondents dated 24.08.2002, by forthwith considering the representation of the petitioner dated 11.10.2018.

In all W.Ps.

For Petitioner : M/S.Muthumani Doraisami

For R1 : Mrs.C.Meera Arumugam,
Additional Government Pleader

For R2 to R4 : Mr.Anand Gopalan
for M/S.T.S.Gopalan & Co.

COMMON ORDER

These Writ Petitions have been filed, seeking for the issuance of a Writ of Mandamus, to consider the petitioners representation dated 11.10.2018 and 29.10.2018.

2. According to the petitioners, their lands were situated in P.N.Patti Village, Mettur Taluk, Salem District, wherein more than 300 families were living in the aforesaid village. The petitioners' lands have been acquired by the Special Tahsildar, Land Acquisition, Mettur Thermal Project by invoking the provisions of the Land Acquisition Act for the purpose of Upper Ash Dyke area of Mettur Thermal Power Project. At the time of land acquisition, the respondents gave assurance to the petitioners that they will provide adequate compensation, alternative house sites and employment to the displaced families from the aforesaid village.

3. The learned counsel appearing for the petitioner submits that the respondents have not given any employment to the petitioners and in this regard, the petitioners have also made representations dated 11.10.2018 and 29.10.2018, which evoked no response.



4. On the other hand, Mr. Anand Gopalan, the learned counsel for respondents 2 to 4 submits that the petitioners are entitled for compensation, either house sites or employment. In the present case, the respondents have paid the compensation and allotted house sites. Therefore, the petitioners are not entitled for the employment. Further, he fairly submitted that this Court passed an order in Cont P No.488, 1149 & 1151 of 2015, directing the respondents to consider and to provide employment to those whose lands were acquired by the respondents and while passing the said order, this Court fixed a cut off date for making application as 15.05.2017. It was made clear in the order that if any application given by any of the applicants beyond the cut-off date, the said application need not to be considered by the respondents. The order passed by this Court dated 31.01.2020 reads as follows:

"This Court, by the earlier order dated 17.04.2017 fixed the cut-off date for receiving applications as 15.05.2017 for getting appointment in the respondent TANGEDCO for having given their lands for Mettur Thermal Power Project.

2. However, Mr. Anand Gopalan, learned counsel for the respondent Corporation would submit that more than 50 applications have been received beyond the cut-off date and some of the applicants have also filed writ petitions before this Court and obtained orders.

3. When a cut-off date has been fixed by this Court, it is not only for the respondent Corporation to adhere to it, but the beneficiaries are also bound to honour the order. Any application given by any of the beneficiaries/applicants beyond the cut-off date need not be entertained or received by the respondent Corporation. Even if such applications are received, it is always open to the respondent Corporation to reject the same as they had been made beyond the cut-off date. On the other hand, if the applications had been received well within the cut-off date and the applicants are also qualified, then there should not be any prohibition for the respondent TANGEDCO to issue appointment orders. If any of the applicants are eligible, TANGEDCO is to process the application and the appointment



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orders of those applicants should be produced before this Court

4. Mr. Anand Gopalan, learned counsel for TANGEDCO undertakes to file a status report with regard to the compliance of the order passed by this Court.

5. Post after two weeks."

5. A perusal of the above order, it is clear that if anybody made application subsequent to the cut-off date, he/she is not entitled for any employment and the respondents need not consider the request of any applicant who made application subsequent to the cut-off date. It is clear that no application would be entertained if made beyond the cut-off date, i.e. on or before 15.05.2017.

6. Hence, it is obvious that the petitioners are not entitled for the benefit of the employment since they made applications beyond the cut off date. Furthermore, as contented by the respondents, the petitioners were in possession of poramboke lands and the said poramboke lands only were acquired by the respondents. Despite the same, the respondents have given compensation and house sites for the acquired lands of the petitioners. In such view of the matter, this Court is of the considered view, that the petitioners are not entitled for employment as per the order passed by this Court dated 31.01.2020.

7. Further, since the petitioner had already received the compensation as well as house sites towards acquisition of their lands, the petitioners cannot claim employment that too beyond the cut off date. Therefore, nothing survives in the Writ Petition and no relief can be granted as contented by the petitioners and the same is liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu,
Represented by Principal Secretary,
Department of Energy,
Fort St. George,
Chennai 600 009.
2. Tamil Nadu Electricity Board,
Represented by Chairman,
No.800, Anna Salai,
Chennai 600 002.
3. The Chief Engineer (Personal)
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai 600 002.
4. The Superintending Engineer (General),
Mettur Thermal Power Project,
Mettur Dam,
Salem District 636 406.

+3cc to M/S.Muthumani Doraisami, Advocate, S.R.No.3510
+1cc to M/S.T.S.Gopalan & Co., Advocate, S.R.No.3194

W.P.No.20971, 20972, 20974 of 2019

MT (CO)
CT 17/02/2022