



W.P.No.14766 of 2017

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 08.11.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.14766 of 2017**

Ammasi

... Petitioner

**Vs.**

1. The State of Tamil Nadu,  
Represented by its Principal Secretary to Government,  
Energy Department,  
Fort St.George,  
Chennai – 600 009.
2. The Chairman,  
Tamil Nadu Electricity Board,  
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,  
Mettur Thermal Power Project (MTPS),  
Tamil Nadu Electricity Board,  
Mettur Dam-2,  
Salem District.



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5. The District Collector,  
Salem District,  
Salem.

6. The Sub-Collector/Revenue Divisional Officer,  
Mettur Revenue Division,  
Mettur Dam – 1,  
Salem District.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings of the fourth respondent vide Letter No.Mepo/Ka/Aa.Me.AaMeNi-1NiA/KoVeVa/AaNo.735/16 dated 28.12.2016 and its consequential proceedings in Letter No.Mepo/Ka/Aa.Me.AaMeNi-1NiA/KoVeVa/AaNo.17/17 dated 05.04.2017 and quash the same and consequently direct the respondents 1 to 4 to provide employment to the petitioner's grandson viz. M.Kesavapriyan under the land loser category for her land acquired for Mettur Thermal Power Project.

For Petitioner : M/s.M.R.Jothimanian

For Respondents :

For R1, R5 & R6 : Mr.R.P.Murugan Raja  
Government Advocate

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



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## **ORDER**

The relief sought for in the present writ petition is to call for the records of the impugned proceedings of the fourth respondent vide Letter No.Mepo/Ka/Aa.Me.AaMeNi-1NiA/KoVeVa/AaNo.735/16 dated 28.12.2016 and its consequential proceedings in Letter No.Mepo/Ka/Aa.Me.AaMeNi-1NiA/KoVeVa/AaNo.17/17 dated 05.04.2017 and quash the same and consequently direct the respondents 1 to 4 to provide employment to the petitioner's grandson viz. M.Kesavapriyan under the land loser category for her land acquired for Mettur Thermal Power Project.

2. The petitioner states that the land belongs to his grandmother was acquired for developing Mettur Thermal Power Project at Mettur Dam in the year 1987. The petitioner in his capacity as a grandson submitted an application seeking appointment in the Respondent Board, based on the scheme implemented for the benefit of the land losers during the relevant point of time.



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3. The case of the writ petitioner was not considered by the competent authorities. The petitioner earlier filed W.P.No.38807 of 2015 and this Court passed an order on 26.09.2016, without expressing any opinion on merits had directed the authorities to consider the case of the writ petitioner.

4. Pursuant to the directions issued by this Court, the authorities considered the case of the writ petitioner and passed an order on 28.12.2016 stating that the petitioner is the grandson of the original land losers and that apart, several years lapsed from the year of acquisition and therefore, the appointment cannot be considered.

5. It is further stated that yet another member of the same family in which the petitioner belongs was granted an appointment and the said factum was stated in the counter affidavit filed by the fourth respondent Superintending Engineer. Paragraph 8 of the counter affidavit filed by the Superintending Engineer reads as under:



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*“8. I state that on acquisition of the said 2.91 acres, the compensation to the said land was considered as “Joint Family” and all the 8 joint patta holders, proportionate to the extent of land to their name was awarded to them. Thereby the petitioner was awarded Rs.4128/- to the extent of 0.40 acres. I state that since the land was owned by joint patta holders and was considered as “Joint Family” for the purpose of awarding compensation, all the 8 joint patta holders were called for to give an no objection certificate to give employment opportunity to any one of the family member. However, no one came forward to give no-objection certificate, no one was provided with employment opportunities. It is in these circumstances one of the joint patta holders namely Mr.Karuppan S/o.Ganapati approached this Hon'ble Court by filling W.P.No.32820 of 2022 and this Hon'ble Court on 13.09.2012 directed that his request be considered and employment opportunity be given. Upon the direction given by this Hon'ble Court Mr.Anandhaprabhu S/o.Karupannan was provided with employment opportunity.”*

6. Appointment under the land losers category are to be as a priority.

Thus, priority appointments are to be made strictly in accordance with the law under the terms and conditions stipulated.

7. That apart, such priority appointments cannot be granted after a lapse of several years. More so, priority to a grandson, which would affect the very purposeful object of the scheme provided for land losers. It is not as if to



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provide appointments to the family of the land losers in order to mitigate the circumstances that arose on account of the acquisition proceeding, certain priority is granted to the land loser. All such land losers had received compensation during the relevant point of time. However, priority in appointment was granted in addition to the compensation by way of concession. Such concession cannot be extended beyond a reasonable period.

8. In present case, the land was acquired in the year 1987. Admittedly, the petitioner is a grandson of the original owner whose land was acquired for developing Mettur Thermal Power Project at Mettur Dam. Now, after a lapse of 35 years, if appointments are provided merely based on the acquisition happened in the year 1987, then it will result in an unconstitutionality, as the public employment are to be provided strictly in accordance with the rules and by providing equal opportunity to all the candidates who all are aspiring to secure public employment through competitive process.

9. Therefore, such priority appointments are to be granted only to mitigate the circumstances arising on account of acquisition proceedings within



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a reasonable period of time. More so, the persons affected to be given appointments not the grandson or granddaughter after a lapse of several years. If such practice is encouraged by the Courts, then it will result in unconstitutionality and further deprive the eligible candidates to secure public employment on merits and through rule of Reservation.

10. That apart, the respondents have stated that one member of the family of the land loser was afforded an appointment and thus, being grandson of the land loser is not entitled for appointment.

11. The learned counsel for the petitioner made a submission that the statement of the respondent that one member of the family has been given appointment is incorrect and false.

12. If public appointments are made in this manner, after a lapse of 35 years from the date of acquisition proceedings, then this Court is afraid that the scope for open competitive process would be affected and thus, the reasons stated in the order impugned is inconsonance with the established principles and there is no infirmity.



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13. For all these reasons the petitioner has not established any acceptable reasons for the purpose of considering the relief, this writ petition stands dismissed. No costs.

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Index:Yes/No

Speaking order/Non-speaking order

rgm/nti



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**S.M.SUBRAMANIAM, J.**

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