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W.P.No. 32333 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No. 32333 of 2018

Mr.Murali,
S/o.Prema @ Premavathy

..Petitioner

Vs.

1. The Chairman,
The Tamil Nadu Electricity Board,
N.P.K.K.R. Maligai,
Anna Salai, Chennai – 600 002.

2. The Managing Director,
Tamil Nadu Generation and Distribution Corporation,
N.P.K.K.R. Maligai,
Anna Salai, Chennai – 600 002.

3. The Chief Engineer,
North Madras Thermal Power Project,
North Chennai, Chennai – 600 057.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the respondents herein to accord the benefit of rehabilitation of job assistance, to the petitioner in accordance with the scheme issued under B.P.(Per) (FB) No.3, dated 25.01.1990 on



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the basis of G.O.(Ms).No.656 dated 29.06.1978, with in such time as stipulated by this Court.

For Petitioner : Mr.K.Krishnamoorthy
For Respondents : Mr.A.P.Venkatesh Prasad
for M/s. T.S. Gopalan & Co

ORDER

The prayer sought for herein is for a writ of mandamus, directing the respondents herein to accord the benefit of rehabilitation of job assistance to the petitioner in accordance with the scheme issued under B.P.(Per) (FB) No.3, dated 25.01.1990 on the basis of G.O.(Ms).No.656 dated 29.06.1978

2. By notification issued in G.O.Ms.No.100, the Government of Tamil Nadu, Energy(B2) Department, dated 19.10.2010, under Sections 131 and 133 of the Electricity Act, 2003, a scheme was notified for the purpose of transfer, vesting of property, interest in property rights and liabilities of the Tamil Nadu Electricity Board. As per the scheme, the rights and liabilities of the Electricity Board was transferred to the second



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respondent company viz., Tamil Nadu Generation and Distribution Corporation Limited. From that date of such transfer, the second respondent has stepped into the shoes of the Tamil Nadu Electricity Board for all the rights and liabilities in respect of undertakings transferred to it.

3. North Chennai Thermal Power Project is one of such undertaking was transferred to the second respondent company, therefore, the liabilities of Board in connection with undertaking also stands so transferred.

4. In this regard, it is the case of the petitioner that at the time of acquiring the land for the said North Chennai Thermal Power Project large extent of lands from various individuals were acquired.

5. In respect of those acquisition of land, a beneficial scheme was announced by the Government as well as the Electricity Board that atleast one member of the family, from whom the lands were acquired, a job would be given by priority. In this regard, it is a case of the petitioner



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that, petitioner's land i.e., the land stood in the name of the petitioner's mother viz., Prema @ Premavathy at Survey Nos.154/1A and 154/3A1 at Chepakkam Village, Thiruvallur District was also acquired by the respondents Department for the purpose of the said Thermal Power Project.

6. In this regard, in respect of the plea to give jobs those who were displaced on account of acquisition of lands for the projects, the respondents after getting the list prepared by way of identification by the District Collector concerned, given jobs to various people belongs to various families, whose lands have been acquired or they were displaced. However, insofar as the petitioner's family is concerned, even though the petitioner being an eligible person to get the job as the petitioner's family land stood in the name of the petitioner's mother also was acquired, such a gesture has not been shown to the petitioner and no job opportunity was offered to the petitioner. Therefore, the petitioner approached this Court with the aforesaid prayer.



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7. Heard Mr.K.Krishnamoorthy, learned counsel appearing for the petitioner, who would submit that in earlier occasion, some of such persons like the petitioner had filed writ petitions in W.P.Nos.6771 of 2014 & batch, where a learned judge of this Court by order dated 19.10.2016 remanded the matter back to the respondents with a direction to consider the case of the petitioners and pass orders in the light of G.O.Ms.No.656 of Labour and Employment Department, dated 29.06.1978 as well as the Board Proceedings No.3, Administrative Branch dated 25.01.1990 with regard to providing suitable employment to the petitioners' family therein.

8. Similar orders were passed by another learned judge of this Court in W.P.Nos. 17874 of 2013 & batch by order dated 26.10.2016.

9. Despite these orders have been passed only those who approached the Court and got orders alone were considered for giving such jobs by the second respondent viz., Tamil Nadu Generation & Distribution Corporation. Therefore, it triggered the petitioner to send a representation through his counsel on 27.07.2018, where on behalf of the



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petitioner, respondents were requested to consider the request of the petitioner for offering a job to the petitioner, suitable to his educational qualifications under the quota of displaced persons on account of the acquisition of the land for the Thermal Power Project.

10. Despite this request having been made through the counsel dated 27.07.2018 of the petitioner since nothing was forthcoming, the petitioner had approached this Court, therefore, the learned counsel would seeks indulgence of this Court to issue a suitable direction by way of mandamus.

11. On the other hand Mr.A.P.Venkatesh Prasad, learned Standing Counsel appearing for the respondents by relying upon the averments made in the counter affidavit especially in paragraph 4 of the counter affidavit would submit that the land i.e., Survey number claims to have been the lands of the petitioner were acquired by the respondents for the said project. However, at the time of compensation awarded, which would be paid to one Munusamy S/o.Duraisamy and to one Prema @ Premavathi Ammal, who is none other than the mother of the petitioner



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only on production of documentary evidences about their ownership of the land acquired for the project. However, the records with the respondent Revenue reveal that the neither of them were able to produce any documentary evidence with regard to their ownership of the acquired land. Therefore, compensation for the acquired land was not given. Hence, it cannot be treated that the petitioner belongs to the family, where the land of the petitioner's family had been acquired for the said project. Therefore, the very identification of the eligibility of the petitioner to get the benefit of job itself is questioned, which is to be decided only by the District Collector. Therefore, the petitioner cannot ask any job directly to the respondent TANGEDCO. Hence, the prayer sought for in this writ petition is liable to be rejected, he contended.

12. I have considered the rival submissions made by both sides and have perused the materials placed before this Court.

13. As has been rightly pointed out by the learned counsel appearing for the petitioner that, a award passed in this regard for various lands acquired for the project, where in respect of the lands belongs to the



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petitioner's family i.e., S.Nos.154/1A, 154/3A1 to the extent of 0.46 and

0.37.5 hectares, the proceedings of the award reads thus:

“The above lands stands registered in the name of Thiru Munusamy, S/o. Doraisamy Devar vide Patta No.53 of Puzhuvakkam Village, Ponneri Taluk. Necessary notices 9(3) 10 of Land Acquisition Act were served on the land owner and interested persons. The award enquiry was posted on 15.07.1991 and 13.12.1991. Both of them have not turned up for the Award enquiry. A verification of encumbrance reveals that the pattadar has sold out the lands to Tmt.Premavathy ammal as per Doct.No.2136/80 dated 24.10.1980. Eventhough the patta for the above lands is registered in the name of Thiru Munusamy S/o.Duraisamy Devar in the Revenue Accounts, the actual ownership could not be decided now in the absence of documentary evidence. Hence I order that the entire compensation for the land is awarded in favour of Thiru Munusamy and Tmt.Premavathy Ammal jointly and the same will be paid on production of documentary evidence.”

14. Relying upon this, learned counsel vehemently contended that though initially the lands were belong to one Munusamy and



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subsequently, he sold the property as per document No.2136/80 dated 24.10.1980 to Prema @ Premavathy i.e, mother of the petitioner.

Therefore, on the date of acquisition of the land, the petitioner's mother was the owner, as its stood in the name of the mother. Therefore, based on the award, the identity of the owner of the land can very well be ascertained and hence, the reasons now cited in the counter affidavit cannot be countenanced, he contended.

15. I find force in the said contention made by the learned counsel appearing for the petitioner because, in the award itself the name of the petitioner's mother viz., Prema @ Premavathy has been shown as if she purchased the property in question as early as on 24.10.1980 by a valid sale deed from the original owner one Munusamy. Therefore, there could be no confusion with regard to the owner of the property concerned and hence, the petitioner's mother since being the owner of the property, which was one of the property acquired for the project, the petitioner being the legal heir of the owner of the land would be entitled to get the job.



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16. In this regard, the respondents TANGEDCO should have taken steps to verify his identity after referring the matter to the District Collector and accordingly the job could have been offered to him. However for the reasons best known to them so far they have not acted upon despite the representations given in this regard.

17. Therefore, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the respondents to verify the identity of the petitioner as to whether, he belongs to the family of Prema @ Premavathy and the son of the Premavathy and also verify the records that the land in question in the said two survey numbers referred to above, which are one among the lands acquired for the project stood in the name of the Premavathy at the time of acquisition and if so, the petitioner's mother can be treated as a person, who has been displaced due to the land acquisition and therefore the benefit of Government order and the Board Proceedings for giving a job to one member of the family of the displaced persons can very well be extended to the petitioner also.



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Accordingly, the plea of the petitioner shall be considered and order to that effect shall be passed within a period of three months from the date of receipt of a copy of this order.

With these directions, this writ petition is disposed of accordingly.

No Costs.

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Index : Yes/No

Internet: Yes/No

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To

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