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W.P.Nos.15473 to 15481 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.15473 to 15481 of 2012 and
MP.Nos.1 of 2012(9 Nos.)

WP.No.15473 of 2012

M.Nandakumar

... Petitioner

Vs.

- 1.The Government of Tamilnadu,
Industries Department,
Fort St.George,
Chennai 600 009
- 2.The General Manager,
BHEL/BA7, Ranipet,
Vellore District
- 3.The Collector,
Vellore,
Vellore District
- 4.Convener and District Revenue Officer,
Screening Committee,
Vellore District,
Vellore
- 5.Revenue Divisional Officer,
Ranipet,
Vellore District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of



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India praying to issue Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings in No. in Rc.G3/42244/2011 dated 09.12.2011 passed by the fourth respondent and to quash the same and consequently direct the fifth respondent to appoint the petitioner for any other suitable post in BHEL for which the interview was called for.

For Petitioner
in all WP's : Mr.S.Prabhakar

For Respondents
in all WP's

For R1,3,4&5 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

For R2 : Mr.John Zachariah
for M/s.Fox Mandal and Associates

COMMON ORDER

All the writ petitions have been filed challenging the proceedings dated 09.12.2011 passed by the fourth respondent, thereby rejected the claim for employment of the petitioners.

2. Heard, the learned counsel appearing on either side.



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3. On perusal of records, in order to establish Boiler Auxiliary Plant at Ranipet, the first and second respondents acquired 1389 acres of land in and around the Villages of Narasinghapuram, Mukundarayapuram, Sikkarajapuram and Vadakkai in Ranipet Taluk, Vellore District in the year 1980 vide GO.Ms.No.1218 dated 26.08.1980. The said lands were acquired by them by GO.Ms.No.87 dated 27.01.1981. As per the Government Order, the Government had promised job guarantee, atleast for one member from each family of the land losers under the above project. The petitioners appeared before the Screening Committee and their claims were rejected. The reasons provided by the Screening Committee for rejection are as follows:

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The Petitioner had submitted an application to the Screening Committee claiming employment for the land bearing Survey No. 303/4, 305/2, 305/12, 305/13, 305/14. Narasingapuram Village under Award No. 1/82 dated 14.01.1982. Based on the application submitted, the Petitioner was called to appear before the Screening Committee on 17.11.2011. It is denied that the Petitioner appeared before the Screening Committee on 16.11.2011. The Petitioner appeared before the Screening Committee on 17.11.2011. After due enquiry, the Screening Committee rejected the claim of the Petitioner as employment in respect



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of land bearing Survey No. 303/4, 305/2, 305/12, 305/13, 305/14 acquired was already provided to M. Kuppu (Staff No. 4154673) in the 2nd Respondent Company at Ranipet. Compensation in respect of the said Award was paid to the Land Awardee, Mr. K. Murugan. Mrs. M. Kuppu (Staff No. 4154673) has been in the employment of the 2nd Respondent Company from 28.06.1983 till. Mrs. M. Kuppu is the wife of the land awardee and mother of the Petitioner.

W.P. No. 15474/2012

The Petitioner had submitted an application to the Screening Committee claiming employment for the land bearing Survey No. 94. Narasingapuram Village, Walajah Taluk. Based on the application submitted, the Petitioner was called to appear before the Screening Committee on 16.11.2011. After due enquiry, the Screening Committee rejected the claim of the Petitioner on the ground that ownership in respect of the Petitioner was not established. It is submitted that the Screening Committee was correct in rejecting the Petitioner's application as there was ownership dispute at the time of land acquisition and no documentary evidence was produced at the time of interview by the Petitioner of the settlement of the said dispute. In fact, this Hon'ble Court had disposed of a similar Writ Petition No. 25973 of 2012 filed by one Mr. S. Baranidharan vide order dt. 10.10.2012 wherein this Hon'ble Court held:



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"3. In my considered opinion, when it has not been proved to the satisfaction of the Screening Committee that the petitioner is the owner of the said lands, there is no question for providing employment on compassionate ground to the petitioner. Therefore, no relief could be granted to the petitioner at this stage.

4. At the same time, if the petitioner establishes his ownership before the civil court, thereafter, he will be at liberty to approach the respondents and in such an event, the first respondent shall provide employment to him under the scheme."

W.P. No. 15475/2012

The Petitioner had submitted an application to the Screening Committee claiming employment for the lands bearing Survey No. 265/1, SIPCOT under Award No. 1/82. Based on the application submitted, the Petitioner was called to appear before the Screening Committee on 18.11.2011. It is denied that the Petitioner appeared before the Screening Committee on 16.11.2011 as contended in Para 11 of the Petitioner's affidavit. After due enquiry, the Screening Committee rejected the claim of the Petitioner as the land was acquired for the establishment of SIPCOT and not for the establishment of the Respondent Company. The Screening Committee was right in rejecting the Application as the condition in [G.O.Ms. No. 87 dt. 27.01.1981](#) did not apply in cases where lands were acquired for to establish SIPCOT or



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any other industry or undertaking.

W.P. No. 15476/2012

The Petitioner had submitted an application to the Screening Committee claiming employment for the land bearing Survey No. 95, Narasaingapuram Village under Award No. 3/82. Based on the application submitted, the Petitioner was called to appear before the Screening Committee on 16.11.2011. After due enquiry, the Screening Committee rejected the claim of the Petitioner as employment was already provided to the Awardee, Mr. M. Chinnasamy (Staff No. 4163958), for the land acquired. Compensation in respect of the said Award was paid to Mr. M Chinnasamy. Mr. M Chinnasamy, the petitioner's father, was in the employment of the 2 Respondent Company from 15.01.1985 till his superannuation on 24.04-2009.

W.P. No. 15477/2012

The Petitioner had submitted an application to the Screening Committee claiming employment for the lands bearing Survey No. 305/3, 305/4, 305/5, 305/6, 305/7, 305/8, 305/9, 305/10, 305/11, 305/15, and 306/1, in Narasingapuram Village under Award No. 1/82 dated 14.01.1982. Based on the application submitted, the Petitioner was called to appear before the Screening Committee on 18.11.2011. It is denied that the Petitioner appeared before the Screening Committee on 16.11.2011. The Petitioner appeared before the Screening Committee on



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18.11.2011. After due enquiry, the Screening Committee rejected the claim of the Petitioner as employment was already provided to Mrs. C. Umapathy (Staff No. 4173279), for the lands acquired from Mrs. Kuppammal, mother of Mrs. C. Umapathy (Staff No. 4173279) and from the father of Mrs. Kuppammal. Mrs. C. Umapathy is in the employment of the 2nd Respondent Company since 25.03.2006.

W.P. No. 15478/2012

The Petitioner had submitted an application to the Screening Committee claiming employment for the lands bearing Survey No. 292/1, 297/3, 297/3, 297/5, 297/7, 298/1, 300/1, and 300/3, in Narasingapuram Village under Award No. 2/82 dated 24.01.1982. Based on the application submitted, the Petitioner was called to appear before the Screening Committee on 16.11.2011. After due enquiry, the Screening Committee rejected the claim of the Petitioner as employment was already provided to Mr. K. Manivarman (Staff No. 4172698, for the lands acquired from Mr. Kannan, father of Mr. Mr. K.Manivarman and grandfather of the petitioner. Mr. K. Manivarman is in the employment of the and Respondent Company since 25.03.2006.

W.P. No. 15479/2012

The Petitioner had submitted an application to the Screening Committee claiming employment for the lands bearing Survey No. 331/2



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and 331/3, in Seekarajapuram Village under Award No. 7/8a dated 30.06.1982. Based on the application submitted, the Petitioner was called to appear before the Screening Committee on 18.11.2011. After due enquiry, the Screening Committee rejected the claim of the Petitioner as the Petitioner was not a member of the family of the Awardees in respect of the said lands. Besides, the Petitioner's father, Mr. Gunasekar (Staff No. 4172149) was given employment in the 2nd Respondent Company under the same category.

W.P. No. 15480/2012

The Petitioner had submitted an application to the Screening Committee claiming employment for the lands bearing Survey No. 305/3, 305/4, 305/5, 305/6, 305/7, 305/8, 305/9, 305/10, 305/11, 305/15, and 306/1 in Narasingapuram Village, Walajah Taluk under Award No. 1/82 dated 14.01.1982. Based on the application submitted, the Petitioner was called to appear before the Screening Committee on 18.11.2011. It is denied that the Petitioner appeared before the Screening Committee on 16.11.2011. After due enquiry, the Screening Committee rejected the claim of the Petitioner as employment was already provided to Mr. N. Ramakrishnan (Staff No. 4161963, for the lands acquired from Mottai Ammal, mother of Mr. N. Ramakrishnan and grandmother of the Petitioner. Mr. N. Ramakrishnan was in the employment of the 2nd Respondent Company from 16.02.1984 till his death on 17.07.2010.



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W.P. No. 15481/2012

The Petitioner had submitted an application to the Screening Committee claiming employment for the land bearing Survey No. 32, Narasingapuram Village, Walajah Taluk acquired under Award No. 12/83 dt. 30.09.1983. Based on the application submitted, the Petitioner was called to appear before the Screening Committee on 16.11.2011. After due enquiry, the Screening Committee rejected the claim of the Petitioner on the ground that ownership in respect of the Petitioner was not established. It is submitted that the Screening Committee was correct in rejecting the Petitioner's application as there was ownership dispute at the time of land acquisition and no documentary evidence was produced at the time of interview by the Petitioner of the settlement of the said dispute. In fact, this Hon'ble Court had disposed of a similar Writ Petition No. 25973 of 2012 filed by one Mr. S. Baranidharan vide order dt. 10.10.2012 wherein this Hon'ble Court held:

"3. In my considered opinion, when it has not been proved to the satisfaction of the Screening Committee that the petitioner is the owner of the said lands, there is no question for providing employment on compassionate ground to the petitioner. Therefore, no relief could be granted to the petitioner at this stage.

4. At the same time, if the petitioner establishes his ownership before the civil court, thereafter, he will be at liberty to approach the



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respondents and in such an event, the first respondent shall provide employment to him under the scheme."

4. Therefore, the petitioners were rightly rejected by the Screening Committee and this Court find no infirmity or illegality in the orders passed by the fourth respondent. Accordingly, all the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Government of Tamilnadu,
Industries Department,
Fort St.George,
Chennai 600 009
- 2.The General Manager,
BHEL/BA7, Ranipet,
Vellore District
- 3.The Collector,
Vellore,
Vellore District
- 4.Convener and District Revenue Officer,
Screening Committee,
Vellore District,
Vellore
- 5.Revenue Divisional Officer,
Ranipet,
Vellore District
6. The Government Advocate,
High Court, Madras.

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