



W.P.(MD).No.7591 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.7591 of 2018

and

W.M.P.(MD).No.7219 of 2018

R.Manoj Kumar

... Petitioner

Vs.

1.The Secretary to the Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai – 9.

2.The District Adi Dravidar and Tribal Welfare Officer,
Collectorate,
Madurai – 625 020.

3.The Deputy Director,
District Employment Office,
Madurai – 625 007.

4.The Special Tahsildar,
Adi Dravidar Welfare (Land Acquisition),
Usilampatti Taluk,
Madurai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order passed by the third respondent in his proceedings A1/1854/2017, dated 27.03.2018 and quash the same.

For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondents : Mr.N.Muthu Vijayan,
Special Government Pleader.

ORDER

This Writ Petition is filed to quash the impugned order dated 27.03.2018.

2. The petitioner's family was holding a land in Survey No.153/2, Kalloothu Village to the extent of 1.19 acres. The said land was purchased by the petitioner's paternal great grandmother namely, Nagammal through a sale deed registered in Document No.1616 of 1960 dated 20.04.1960. The first respondent had initiated Land Acquisition proceedings and acquired the said land for house sites to the Harijans of Kalloothu Village, Usilampatti Taluk, Madurai District. On 03.06.1978, the first respondent directed the District Collector, Madurai to conduct enquiry under Section 5-A of the Land Acquisition Act. While acquiring the land, the petitioner's family was assured of employment priority. The respondents acquired the land vide Acquisition



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Proceedings No.4/78-79 dated 19.03.1979 and Rs.4,855/- was paid as compensation. The petitioner has completed B.A., English Literature and also completed Diploma in Computer Application. Based on the above education qualification, the petitioner registered in the Employment Exchange. The fourth respondent vide proceedings dated 26.02.2008 had issued priority certificate for employment under the priority of land acquisition. The certificate issued by the fourth respondent mentioned that the petitioner was land looser and entitled to get the preference in the matter of employment. The Government of Tamil Nadu issued G.O.No.188 dated 28.12.1976, wherein, the Government has stated that if the family is dependent of the land, then the member of the family will be entitled to employment in Government Department. Hence, the petitioner is claiming to consider his candidature for employment under Government Service.

3. The respondents rejected the claim of the petitioner through impugned order, wherein, it is stated that since the petitioner is the grandson of the original land owner, hence the petitioner is not entitled to. Moreover, when the acquisition proceedings was taken, the land was in the name of Mr.Pandi @ Chinnadevar. However, in the Priority Certificate dated 26.02.2008, it is stated



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that the land belongs to one P.Rajapandi. Since there is a discrepancy in the name, the respondents have rejected the claim of the petitioner. Based on these two reasons, the petitioner's claim was rejected.

4. Heard Mr.C.Mayilvahana Rajendran, learned counsel for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondents and perused the records.

5. The first contention that was raised by the respondents is that the petitioner is the grandson of the original land owner. Hence, the petitioner is not entitled to claim any priority in the employment. On perusal of the Government Order in G.O.Ms.No.188 dated 28.12.1976, it is stated that if the “family” is dependent on the land and if the “family” is at loss because of the acquisition of the land, then the member of the “family” is entitled to employment under priority quota. This Court is of the considered opinion that the respondents have misinterpreted the said Government Order by stating that the grandson is not entitled to. If the land is available to the family, then the descendants of the family would have inherited the land. The petitioner being the grandson would have inherited the land and he is at loss. Therefore, the



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petitioner is entitled to the employment. Moreover, the father of the petitioner has not availed such concession. The concept is to grant employment to one of the family members. If the petitioner is granted, then the others in the family would not be entitled to. Hence, this Court is of the considered opinion that the petitioner is entitled to be considered for employment in Government Sector under G.O.Ms.No.188.

6. The next contention that was raised by the respondents is that in the original acquisition proceedings the land was in the name of Mr.Pandi. However, the Priority Certificate says that the name of the petitioner's father as Rajapandi. If the petitioner is granted an opportunity to prove with documents that his father's name is Rajapandi or Pandi, then the petitioner would be entitled to consider. Therefore, the impugned order is quashed. The matter is remitted back to the limited extent to resolving the name alone. The petitioner is directed to submit the documents to substantiate the correctness of his father's name and the respondents shall grant personal hearing to the petitioner and the said exercise shall be completed with a period of four (4) weeks from the date of receipt of the copy of the order. It is made clear that the petitioner is entitled to consider his name under G.O.Ms.No.188 dated 28.12.1976.



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7. With the above direction, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

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S.SRIMATHY, J.

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