

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION NO: 5720 OF 2008

Between:

K. Butchi Ramulu S/o. Bakkaiah Unemployee R/o. Jaggaram Village,
Ashwapuram Mandal, Khammam District.

...PETITIONER

AND

1. The District Collector, Khammam District, Khammam.
2. The Sub Collector, Kothagudem, Khammam District.
3. The Heavy Water Plant (Manugur), Government of India, Department of Automatic Energy, Manugur, Rep. by its Administrative Officer, P.O. Gautami Nagar, Aswapuram, Khammam District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more in the nature of mandamus declaring the orders passed by the 3rd respondent No.HWPM/R/LL-79/07/361 dated 11.04.2007 in rejecting the claim of the Writ Petitioner for providing employment under Land Loser Policy as arbitrary, illegal and violatie of Article 14, 16 and 21 of the Constitution of India and also contrary to the policy laid down by the Government in Memo No.813/ID/81-2, Industries and Commerce Department dated 07.07.1981 and consequentially direct the respondents to provide employment to the Petitioner as per the policy of the Government on par with other similarly situated persons viz. Kandimalla Narsimha Rao, and Mutheboina Venkateswarlu

I.A. NO: 1 OF 2008(WPMP. NO: 7420 OF 2008)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue an interim direction to the first respondent District Collector, to consider the

case of the petitioner for providing employment as per the policy laid down by the Government in Memo No.813/ID/81-2, Industries & Commerce Department dated 07.07.1981 on par with other two persons i.e., Kandimalla Narsimha Rao, and Mutheboina Venkateswarlu

Counsel for the Petitioner: SRI P. V. RAMANA

Counsel for the Respondent Nos. 1&2: GP FOR REVENUE

**Counsel for the Respondent No.3: SRI GADI PRAVEEN KUMAR ,
(DEPUTY SOLICITOR GENERAL OF INDIA)**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION No.5720 OF 2008

ORDER:

This Writ Petition is filed questioning the order No.HWPM/(R)/LL-79/07/361, dated 11.04.2007 of the third respondent in rejecting the claim of the petitioner for providing employment under 'Land Loser Policy', as illegal, arbitrary and contrary to the policy laid down by the Government in Memo No.813/ID/81-2, Industries and Commerce (ID) Department, dated 07.07.1981 and consequently to direct the respondents to provide employment to the petitioner.

2. Heard the learned counsel for the petitioner, the learned Standing Counsel for the third respondent-Heavy Water Plant, Manuguru and the learned counsel for respondent Nos.1 and 2.

3. The contentions on behalf of the petitioner are that the petitioner is the son-in-law of late Sri Madakam Yerraiah and Sri Madakam Yerraiah is the original owner of the land in Survey No.79 of Ammagaripalli Village to an

extent of Ac.1.23 guntas and the said land was given to the petitioner at the time of marriage. The same was acquired by the Authorities for the purpose of construction of Heavy Water Plant at Manuguru. Hence, the petitioner is entitled for employment under 'Land Losers Quota'. For this purpose, the learned counsel has relied on the Government Memo, dated 07.07.1981. The relevant portion of the said Memo reads as under:

"for each family displaced by the acquisition of land, at least one member of the family shall be given employment in the proposed factory. The District Collector shall be final authority to decide as to who are the families displaced by the land acquisition. The Collector will also specify which member of the family is to be given employment. In case of disputes, the decision of the Collector shall be final and binding on the Company."

4. It is contended by the learned counsel for the petitioner that on the Land Losers Certificate, which is issued by the second respondent - Sub Collector, Kothagudem, there is an endorsement made by the Mandal Revenue Officer, Aswapuram, dated 26.01.1987 that "Shri K. Butchi Ramulu, s/o. Bakkaiah is the son-in-law of

Madakam Yerraiah, land loser. Hence attested". Based on which, the petitioner's counsel contended that petitioner be provided employment being a family member.

5. The learned counsel for the petitioner relied on the decision of a learned Single Judge of this Court in Writ Petition No.24063 of 2007 dated 15.11.2007 and contends that the facts in the said writ petition are similar to the facts of the case on hand, and hence, the relief which has been granted in the said writ petition should be granted to the petitioner.

6. It is further contended that in the letter No.G/3863/2005, dated 08.03.2007 of the Collector & District Magistrate, Khammam addressed to the Chief General Manager, Heavy Water Plant (Manuguru), Aswapuram, it is mentioned that the petitioner is the owner of the land and the same has not been taken into consideration by the concerned authorities and the case of the petitioner has been rejected, which is bad in law and therefore, appropriate relief be granted.

7. The learned Standing Counsel for the third respondent contends that the case of petitioner was examined in the year 1991 and the same was closed. The petitioner being the son-in-law is not eligible, as he is not a family member. It is contended that as per the Memo dated 07.07.1981, in Clause (a) extracted supra, it has been stated that one member of the family shall be given employment in the proposed plant. It is contended that a letter dated 08.03.2007 was addressed by the Collector, Khammam to the Chief General Manager, Heavy Water Plant (Manuguru), Aswapuram, to examine the case of the petitioner and take necessary action. In response to the said letter, the Administrative Officer of the concerned Unit (i.e., Heavy Water Plant at Manuguru) has addressed the letter dated 11.04.2007 to the petitioner stating that he is not eligible for employment.

8. Another ground which has been raised by the learned Standing Counsel for the third respondent is that there is delay in submitting the representation and if any person seeks employment under the land loser scheme/quota, he/she has to submit a representation within one year

from the date of issuance of Land Loser Certificate, time being the essence or at least within reasonable time.

9. It is further contended that the facts in W.P.No.24063 of 2007 are different to the facts of the present case and therefore, the said decision is not applicable to the present case, and at this distant point of time, the case of the petitioner cannot be considered, as his age also has to be taken into consideration.

10. It is contended that in the certificate dated 26.01.1987 issued by the concerned authorities, no family member was identified, as to which family member should be given employment in Heavy Water Plant, Manuguru. It is also contended that on the basis of the representation, which has been made by the petitioner, his case was referred to the Interview Committee, which met on 13/14.05.1987 and the case of the petitioner was not approved as he was the son-in-law of the land loser and Sri Madakam Yerraiah was considered for employment on 14.07.1991, who is the actual land owner and the Committee has not recommended him, as he was overaged.



11. Subsequently, another Land Loser Certificate in RC No.C/2904/87, dated 20.11.1990 was issued by the revenue authorities for the land acquired to an extent of Ac.0.37 guntas in Survey No.98/P of Madakam Yerraiah. Madakam Yerraiah's son M. Venkateswarlu was nominated for employment and he submitted an application dated 21.11.1991 and hence, the averment of the petitioner in the writ affidavit i.e., K. Butchi Ramulu, that Madakam Yerraiah was not having sons is not correct and the petitioner was misleading the Court.

12. Heard the submissions made by the learned counsels and considered the rival contentions.

13. If the land in Survey No.79 admeasuring Ac.1.23 guntas was given to the petitioner at the time of marriage and he is the owner, the petitioner should have produced documentary evidence to indicate that the petitioner had title to land. No documentary material has been placed on record. It is trite to mention here that Memo dated 07.07.1981 specifically states that the Collector shall be final authority to specify the families displaced and shall

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specify which member of family is to be given employment. In the Land Loser Certificate issued by office of Sub-Collector, Kothagudem, dated 26.01.1987 in RC No.D/ 4171/86, the petitioner's name is not identified for employment. The petitioner is presently aged about 53 years.

14. A perusal of letter dated 08.03.2007 of the Collector and District Magistrate, Khammam, addressed to the Chief General Manager, Heavy Water Plant, Manuguru shows that in the said letter, the Collector has requested to examine the case of the petitioner and take necessary action as per rules. On the basis of the said letter, a communication was made to the petitioner, vide letter No.HWPM/(R)/LLR-79/07/361, dated 11.04.2007. In the said letter, it was informed to the petitioner that the case of the original land owner was examined in 1991 and the same was closed. It was also stated that son-in-laws are not eligible under 'Land Loser Quota'. An endorsement that petitioner is the son-in-law as per the certificate will not entitle the petitioner for employment. Once the case of the petitioner has been considered and found not eligible

for employment, subsequently the petitioner cannot further request at a distant point of time and seek employment as his case was already considered and held not eligible. A mere endorsement cannot be taken as basis for providing employment, without being identified by District Collector for employment. The phrase 'family' includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him. The petitioner herein constitutes a separate family unit.

15. On a perusal of entire material papers and having heard the learned counsels, this Court is of the opinion that there are no merits in the writ petition and the writ petition is liable to be dismissed.

16. Accordingly, the Writ Petition is dismissed. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
2. One CC to SRI. P. V. RAMANA, Advocate [OPUC]
3. One CC to SRI. GADI PRAVEEN KUMAR, DY. SOLICITOR GENERAL OF INDIA [OPUC]
4. Two CD Copies

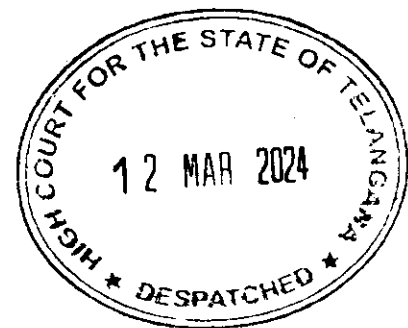
B M
G.I

HIGH COURT

DATED:29/12/2023

ORDER

WP.No.5720 of 2008



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

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PER
18/28/2/2024