



W.P.No.23949 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **10.07.2024**

CORAM

THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.23949 of 2015

K.Kanakesan

...Petitioner

-VS-

1.The Collector,
Vellore District, Vellore.

2.The Revenue Divisional Officer/ Sub Collector,
Tirupattur, Vellore District.

3.The Special Tahsildar,
Adi Dravidar and Tribal Welfare,
Tirupattur, Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in Mu.Mu.A1.2679/2014 dated .02.2015 (signed on 20.03.2015) on the file of the 2nd respondent quash the same and direct the respondents to issue



W.P.No.23949 of 2015

employment priority certificate to the petitioner's son Mayil Azhagan in order to register his name in the District Employment office under the employment assistance to families displaced on account of acquisition of lands based upon the application of the petitioner dated 05.08.2013 to the 1st respondent, 09.06.2014 to the 2nd respondent and 23.07.2012 to the 3rd respondent.

For petitioner : Mr.S.Doraisamy

For respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

Challenging the order passed by the second respondent rejecting the petitioner's request to issue employment priority certificate to his son Mayil Azhagan, the petitioner is before this Court.

2. The petitioner owned 1/4th share in the agricultural lands situated in S.F.No.94/1 measuring an extent of 2.23 acres in Madapalli Village, Tirupattur Taluk, in the year 1979. These lands



W.P.No.23949 of 2015

WEB COPY

were acquired by the Government for the purpose of issuance of house to the Adi-Dravidar community people by the proceedings dated 27.07.1979 passed by the Special Tahsildar, Tirupattur. The petitioner had also received a compensation amount of Rs.15,139.70/-.

3. As the above lands were agricultural lands, upon which, the petitioner and his family were dependant for their livelihood and it was taken over by the Government, the Special Tahsildar, Adi-Dravidar and Tribal Welfare Department, Tirupattur, had issued a certificate dated 26.06.1991 to the petitioner stating that he was entitled to an employment on the preferential basis.

4. It is the case of the petitioner that since he did not have the basic educational qualification to seek for any employment, he had not made use of the said certificate. The petitioner would submit that his son who was born in the year 1984 after the



W.P.No.23949 of 2015

WEB COPY

acquisition of his lands, had studied Diploma in Electrical and Electronics Engineering in April 2007 and thereafter, passed his B.E.Degree in November 2010 and M.E. Degree in the year 2012. He is however unemployed.

5. The petitioner would place reliance on G.O.Ms.No.656, Labour and Employment Department, dated 29.06.1978, in and by which, the Government had ordered all public sector undertakings to recruit without reference to the Employment Exchange at least one member of each family on account of acquisition of lands. The petitioner would submit that since he falls under the category of “Displaced Family”, his legal heirs are also entitled to get an employment. Therefore, he had made a representation dated 05.08.2013 to the first respondent requesting to issue job priority certificate to his son Mayil Azhagan, so that he could register his name in the District employment office under the employment assistance to the family displaced on account of acquisition of lands



for priority in the employment.

6. The first respondent had forwarded the application to the 3rd respondent, however, no order was passed by the 3rd respondent. Since no action was taken, the petitioner had filed a writ petition in W.P.No.21679 of 2014 on the file of this Court and by an order dated 12.12.2004, this Court directed the 2nd respondent to pass appropriate orders. Ultimately, on 20.03.2015, the petitioner's application was rejected, aggrieved by which, the petitioner is before this Court.

7. Heard the learned counsel on either side and perused the materials available on record.

8. The application has been rejected on the ground that even as early as on 26.06.1991, the Special Tahsildar, Adi-Dravidar and Tribal Welfare Department, Tirupattur, had issued a job



W.P.No.23949 of 2015

WEB COPY

priority certificate to the petitioner. After receiving the same, the petitioner had come forward to ask a job priority certificate to his son. This priority certificate can be issued only to one member of the family.

9. It is the case of the petitioner that despite getting the certificate he has not sought for any employment. Now, nearly 30 years after the acquisition proceedings, the petitioner is seeking the said certificate in the name of his son. He has not approached the respondents for this certificate for his son as soon as he had obtained his basic educational qualifications. His son has passed a M.E. Degree in the year 2012 and only thereafter, the request has been made in the year 2013. The Government Order clearly specifies that such a certificate should be given to at least one person of the displaced family. The petitioner had already been issued with the certificate in the year 1991 and it is he who chose not to utilize the said certificate. Therefore, he cannot claim a 2nd



W.P.No.23949 of 2015

certificate for his son, that too, after a lapse of over 30 years.

WEB COPY

In the light of the above, the impugned order cannot be said to suffer from any infirmity. Consequently, this writ petition stands dismissed. No costs.

10.07.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To

- 1.The Collector,
Vellore District, Vellore.
- 2.The Revenue Divisional Officer/ Sub Collector,
Tirupattur, Vellore District.
- 3.The Special Tahsildar,
Adi Dravidar and Tribal Welfare,
Tirupattur, Vellore District.



WEB COPY



W.P.No.23949 of 2015

P.T.ASHA, J.,

ssa

W.P.No.23949 of 2015

10.07.2024