



WEB COPY

W.P.No.28400 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.28400 of 2013

- 1.G.Shanmugam
- 2.K.Nagammal
- 3.M.Egan
- 4.G.Thombaresh
- 5.M.Kadali
- 6.M.Mariammal
- 7.C.Kuppan
- 8.M.Velmurugan

... Petitioners

Vs.

1. The State of Tamil Nadu,
Represented by Secretary to Government,
Department of Industries,
Fort St.George, Chennai – 600 009.

2. The Director,
Tamil Nadu Industrial Corporation Ltd.,
No.19A, Rukmani Lakshmipathi Road,
Egmore, Chennai – 600 008.

3. The Chairman,
NCTPS Port, Thiruvallur,
Chennai, Tamil Nadu,
Kattupalli Road,
Tamil Nadu – 600 120.

... Respondents

[R3 impleaded as per order dated 17.04.2014 in M.P.No.1 of 2014]



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to appoint the petitioners as per G.O (Ms) No.324, Revenue dated 18.03.1986.

For Petitioner : M/s.M.Gnanasekar
For R1 : M/s.R.L.Karthika,
Government Advocate
For R2 : Mr.Abishek Murthy
For R3 : Mr.Krishna Ravichandran

ORDER

This Writ Petition has been filed seeking a writ of mandamus, directing the Respondent No.2 to appoint the petitioners herein in terms of G.O (Ms) No.324, Revenue Department, dated 18.03.1986 read with G.O (Ms) No.356, Labour and Employment, dated 29.06.1978.

2. The above referred Government Orders provides for employment to the persons whose lands were acquired and as a result, their primary livelihood got affected.

3. In response to the notice issued by this Court, the Respondent No.2 filed a counter-affidavit. However, this Court, taking into consideration the



long lapse of time, by an order dated 31.07.2024, directed the Respondent No.2 to file a status report. Accordingly, the Respondent No.2 filed a status report dated 12.08.2024.

4. A perusal of the said status report says that the land that was acquired from the petitioner along with certain others by the Respondent No.2 herein, was allotted to Larsen & Toubro ltd., and in turn, a portion of the land out of the total extent of 1196 acres of land allotted to Larsen & Toubro ltd., i.e., an extent of 56.15 acres was allotted in favour of M/s.Marine Infrastructure Development Private Limited (hereinafter referred to as 'the MIDPL' for short) through G.O (Ms) No.73, Industries (MIE1) Department, dated 06.03.2019 and accordingly, relevant lease deeds were also executed by the Respondent No.2 in favour of the MIDPL for a period of 99 years vide Document Nos.7272, 7273, 7274 and 7276 of 2009 dated 19.11.2019 and the land that was acquired from the petitioner is falling within the said extent of 56.15 acres, now stand leased out in favour of the MIDPL.

5. It is also further stated that, in the lease agreement that was entered into between the Respondent No.2 and the MIDPL, a specific clause viz., Clause No.53 was inserted, whereby the said MIDPL had agreed to provide



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employment assistance to the families displaced on account of acquisition for the lands for the project and as per the Land Acquisition Act of the Government of Tamil Nadu.

6. From the above, it is evident that the Respondent No.2 is conscious of his responsibility to provide employment assistance to the land losers in terms of the Government Order referred to above and accordingly, a clause is also stated to have been inserted in the land agreements executed in favour of the said MIDPL, which are of the year 2019. However, as on date, no such employment opportunities are provided to the petitioners or their family members, who are the land losers in terms of the Government Orders read with Clause 33 of the lease agreement.

7. In the circumstances, taking into consideration the fact that the land in question was acquired as early as in the year 2001, the Writ Petition is **disposed of**, directing the Respondent No.2 to forthwith take necessary steps for providing employment opportunities to the petitioners or their family members in terms of G.O (Ms) No.324, Revenue Department, dated 18.03.1986 read with G.O (Ms) No.356, Labour and Employment, dated 29.06.1978 for providing employment to them in MIDPL by duly enforcing



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Clause 33 of the lease agreements vide Document Nos.7272, 7273, 7274 and 7276 of 2009 dated 19.11.2019. The Respondent No.2 shall complete the entire exercise as directed above within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs. Connected Miscellaneous Petitions, if any shall stand closed.

12.09.2024

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Secretary to Government of Tamil Nadu,
Department of Industries,
Fort St.George, Chennai – 600 009.
2. The Director, Tamil Nadu Industrial Corporation Ltd.,
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3. The Chairman, NCTPS Port, Thiruvallur,
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