



W.P.No.40661 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On : 05.01.2024

Pronounced On : 09.01.2024

C O R A M

THE HONOURABLE Dr. JUSTICE D.NAGARJUN

Writ Petition No.40661 of 2015
and M.P.No.1 of 2015

K.Murugan

... Petitioner

Versus

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Special Tahsildar (LA),
State Industries Promotion Corporation
of Tamil Nadu Limited,
Irungattukottai Scheme,
Sriperumbudur,
Kancheepuram District.
- 3.The General Manager,
State Industries Promotion Corporation
of Tamil Nadu Limited,
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai-600 008.
- 4.The Project Officer,
State Industries Promotion Corporation
of Tamil Nadu Limited,



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SIPCOT Industrial Park,
Pennallur Post, Irungattukottai-602 117.
Kancheepuram District,

5.The General Manager,
M/s.Hyundai Motor India Ltd.,
Plot No. H-1, SIPCOT Industrial Park,
Pannaloor,
Irungattukottai-602 117,
Kancheepuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to provide employment to the petitioner in the fifth petitioner's Company M/s.Hyundai Motor India Ltd., in the category of persons displaced on account of acquisition of land made for the company.

For petitioner	... Mr.C.K.M.Appaji
For R1, R2 & R4	... Mr.P.Gurunathan Additional Government Pleader
For R3	... Mr.Sudharsana Sundar
For R5	... Mr.D.Abdullah

ORDER

This Writ Petition is filed seeking direction to respondents to provide employment to the petitioner in the fifth petitioner's company



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M/s.Hyundai Motor India Ltd., in the category of persons displaced on account of acquisition of land for the company.

2. The facts in brief as per the affidavit enclosed to this Writ Petition are that the mother of petitioner Late Mrs.K.Sarathammal owned the land comprising of S.No.604/1-60, No 98 Kattrambakkam Village, Sriperumbudur Taluk, Kancheepuram District measuring 0.02.0 Hectares. The said property was acquired for establishing a car manufacturing company by name M/s.Hyundai Motor India Ltd., thereby, the petitioner's family was displaced and they shifted their residence to Chennai however compensation was not received.

3. Since the mother of the petitioner was old person, the petitioner has opted for employment in fifth respondent company. The Second respondent has issued a proceedings dated 20.03.2000 enabling the petitioner to get employment in the M/s.Hyundai Motor India Ltd and the mother of the petitioner requested the respondents to give employment to the petitioner. The petitioner and his family members were requesting the fifth respondent company to provide employment to the petitioner since 2000. While being so, on 27.12.2003, the mother of



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the petitioner passed away. The petitioner has been regularly requesting the fifth respondent to provide job to him. Ultimately on 27.07.2015, third respondent directed the fourth respondent to initiate necessary action to provide employment to the petitioner in M/s.Hyundai Motor India Ltd. On 01.10.2015, the fourth respondent in turn directed the fifth respondent to provide employment to the petitioner stating that that property belonging to the mother of petitioner in S.No.604/1-60 to an extent of 0.02.0 Hectares was acquired by SIPCOT for the purpose of establishing a car manufacturing company. It is submitted that as per Form 22, (6) (e) Appendix XII Part Iv of the land acquisition manual, 1967, it is mandatory for the beneficiary company to provide employment at least to one of each member of the family displaced on account of the acquisition of land for such company. The petitioner has made multiple requests to the fifth respondent to provide job, but there was no response from the fifth respondent. Hence, the petitioner has preferred this Writ Petition.

4. Learned counsel for the first respondent and second respondent has filed counter and contended that the land belonging to the mother of the petitioner was acquired and handed over to the SIPCOT on 04.11.1996.



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The award was passed on 28.09.1998. The petitioner's mother owned 0.02.0 Hectares in Plot No.546 and there is no mention in the affidavit that petitioner's family was owning any land other than house site plot. The main criteria is that the acquired land should have been major source of sustenance for that family. In the letter dated 30.09.2015 addressed to Hyundai Motor India Ltd., the petitioner was working in the Breeze Hotel Chennai and there is no mention in the letter as to how long he worked in the Breeze Hotel, Chennai and the criteria ie., displaced family is not applicable to the petitioner and the details of the members of the late Saradammal family are not given in the affidavit. Hence, petitioner is not entitled for the relief sought for in this Writ Petition and prays to dismiss the Writ Petition.

5. Learned counsel appearing for the third and fourth respondent has filed counter and contended that the compensation as determined by the Government/ Land Acquisition Officer to the land owners whose land have been acquired is paid by the Respondent. Learned counsel also further submitted that the representation received from the petitioner has been forwarded to Project Officer on 27.07.2015 and accordingly Project Officer has recommended to the 5th respondent to provide suitable job to



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hectares was acquired for the purpose of construction of M/s.Hyundai Motor India Ltd a car manufacturing company. In the certificate dated 20.03.2000 issued by the Special Tahsildar concerned, the details of the land belonging the mother of the petitioner was clearly mentioned. A letter dated 27.07.2015 was also issued to the Project Officer of SIPCOT Industrial Park to take action in respect of the representation of the petitioner seeking employment from the fifth respondent M/s.Hyundai Motor India Ltd. On 30.09.2015 the petitioner has filed an application seeking employment in M/s.Hyundai Motor India Ltd. Letter dated 01.10.2015 of respondent Nos.1 to 3 would go to show that proceedings were initiated, to provide suitable job to the petitioner being the son of ex-land owner.

9. On perusal of above documents it is clear that the land belonging to the mother of the petitioner in S.No.604/1-60, No.98, Kattrambakkam Village, Sriperumbudur Taluk, Kancheepura District to an extent of 0.02.0 hectares was acquired for construction of M/s.Hyundai Motor India Ltd, the petitioner being the son of landlord has to get suitable employment as per the agreement between third and fifth respondents.



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10. Learned counsel for the respondents 1 to 4 has submitted that the employment as sought for by the petitioner cannot be provided at this stage for the following reasons.

1. He has approached the fifth respondent belatedly
2. The requirement of the G.O have not been fulfilled.
3. The 10% of job in the fifth respondent's company have already been filled up with the persons whose lands were acquired
4. There are no vacancies in the fifth respondent company.

11. It is the contention of the learned counsel for the respondent No.5 that land acquisition proceedings were completed long ago i.e., prior to the year 2000 and that after establishment of the car company jobs were given to at least one person in each of the families whose lands were acquired and by the year 2010 all the jobs which were supposed to be given to the families whose lands were acquired have already been given. It is specifically mentioned in the counter affidavit that they have provided jobs to 179 persons, the list of the same was also enclosed in the counter. It is also mentioned that the process of recruitment of the person, whose lands were acquired was completed during the year 1997



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to 2010. The petitioner has admittedly filed an application on 30.09.2015. The petitioner has failed to explain as to why he has not approached the fifth respondent immediately after the acquisition process was completed. Since the recruitment of 10% quota was completed prior to the year 2010, the petitioner also should have approached for employment during that time. It is not the case of the petitioner that he has approached the fifth respondent for employment before year 2010, however it is not given. Even according to the petitioner, the application filed by petitioner for the first time in the year 2015.

12. The idea of providing employment to at least one person in each family, whose lands were acquired is only to see that after acquisition, the family members shall not be on roads and on account of employment there will be security for the families whose lands were acquired. In the representation given by the petitioner dated 30.09.2015 seeking employment, it has been mentioned that he has been working in Breeze Hotel, Chennai. That means as on the date of filing of the representation, the petitioner has been gainfully working in the star hotel and he never asked the respondent for the employment until year 2015. Therefore there is inordinate delay committed by the petitioner in approaching the



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respondent for providing a job. On this ground itself the relief sought for by the petitioner cannot be considered.

13. G.O.Ms.No.324, Revenue, dated 18.03.1986 reads as under:

“(i) All Public Sector undertaking may, recruit without reference to Employment Exchange, at least one member of each family is displaced on account of acquisition of lands for any projects of such public sector undertakings, etc., provided that the acquired land should have been the only or major source of sustenance for that family.

(ii) The term 'displaced family' will include 'owner the land' or the cultivating tenants or varamdars.

(iii) The appointing authorities concerned of the respective public sector undertaking, etc., shall themselves ascertain and decide whether the land was the major source of sustenance of family displaced from the land acquired, without insisting on production of any certificate from Revenue authorities before recruitment is made.

(iv) For considering of appointment as indicated in 2(1) above, first priority should be assigned to the cultivating owner and the cultivating tenant or varamdars and second priority only should be given to the absentee landlords.”



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WEB COPY 14. In order to provide employment as per G.O.Ms.No.324, Revenue, dated 18.03.1986, as per clause (iii) the land which was acquired shall be the major source of sustenance to the family which was displaced on account of land acquisition. Therefore, the petitioner is expected to prove that the land which was acquired by the fifth respondent is only the source of sustenance to his family, but there is no material to that extent. Though a certificate given by the Revenue Department is filed stating that the land of the petitioner's family has been acquired, there is no mention in the said certificate that the land acquired was alone the source of sustenance to the family of the petitioner. Even otherwise, according to the application of the petitioner, he has been working in Breeze Hotel, Chennai. Once the petitioner has been working in the hotel for his livelihood, it cannot be said that the land which was acquired by the fifth respondent was the only source of sustenance for the petitioner family..

15. The petitioner has filed a copy of the letter of fifth respondent M/s.Hyundai Motor India Ltd addressed to the Managing Director, State Industrial Promotion Corporation of Tamil Nadu Limited ie respondent



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Nos.1 to 3. As per the said letter dated 22.07.1999 it was mentioned by the fifth respondent that they undertake to reserve 10 % of the jobs in their Industrial unit for member of the families whose lands have been acquired. On careful perusal of this letter, it is clear that there is no upper time limit during which the fifth respondent can provide jobs. At the same time, it is also clear that the fifth respondent is not expected to provide jobs beyond 10% of the work force. According to the counter affidavit filed by the fifth respondent, the 10% quota reserved for the family member, whose lands have been acquired for establishing car manufacturing company has already been completed by year 2010. Therefore, as per the undertaking between the Government and the fifth respondent, 10% of the workforce have already been filled with the persons, whose lands were acquired, then fifth respondent cannot be compelled to take more than 10% of the workforce from the family members whose lands were acquired.

16. Learned counsel for the petitioner has submitted that irrespective of the merits and demerits of the claim of the petitioner, the fifth respondent may be directed to consider the request of the petitioner on humanitarian grounds.



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17. Learned counsel for the fifth respondent has submitted that the petitioner is aged about 54 years and he will attain the age of superannuation within three or four years. It is also submitted that the persons who are in the age group between 20 to 25 will be given employment and most of them are skilful labour. Learned counsel also submitted that even otherwise there are no vacancies as per the instructions received from the fifth respondent company.

18. Considering the submissions made above the directions as sought for by the petitioner cannot be given. However the fifth respondent may consider the request of the petitioner to provide employment on humanitarian grounds in any suitable post basing on age, qualification, skills and experience of the petitioner.

19. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking Order: Yes/No
Neutral Citation: Yes/No

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Dr.D.NAGARJUN, J.

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