



W.P. No.22596 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HONOURABLE **Mr. JUSTICE MUMMINENI SUDHEER
KUMAR**

W.P. No.22596 of 2021

J.Anandha Krishna Guru

.. Petitioner

Versus

1. The District Collector,
Cuddalore District,
Cuddalore – 607 001.

2. General manager,
Neyveli Lignite Corporation Ltd.,
Neyveli – 607 807.

.. Respondents

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 impugned letter communication dated 22.07.2020 vide letter No.18697/GM/LAND/2020 issued by the second respondent and quash the same as illegal and consequently direct the second respondent authority to provide a job as agreed upon at the time of acquisition.

For Petitioner : Mr.M.Sudhan

For Respondents : Ms.V.Yamuna Devi
Special Govt. Pleader for R1

Mr.N.Nithianandam for R2



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ORDER

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The case of the petitioner is that the land belonging to his father was acquired for the benefit of the second respondent in the year 1984 by passing an award No.10/1984 dated 14.03.1984 and while acquiring the said land in addition to the compensation that was payable, the father of the petitioner was also offered with the benefit of employment. However, in the light of the dispute pertaining to the compensation payable in the above said award, the matter went for litigation and finally the father of the petitioner succeeded in the matter however after a long lapse of time. In the light of the said dispute about the entitlement to receive compensation for the land acquired for the second respondent, employment was not provided to the father of the petitioner at the relevant point of time. Whereas, the other similarly situated persons were extended with the benefit of employment in addition to the compensation. While so, the father of the petitioner passed away and thereafter the petitioner made a claim for employment under the category of “Land Loser”. However, the said claim of the petitioner was negatived by the second respondent by passing the impugned order dated 22.07.2020. It is aggrieved by the said order, the petitioner approached this Court by filing this writ petition.



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2. The second respondent filed a detailed counter affidavit contending that the claim of the petitioner's father was considered during his lifetime and the same was rejected vide Letter No.CORP/DCM/W&A/P&A/75/2001 dated 12.12.2001 and the father of the petitioner has not chosen to question the same. It is further stated that the petitioner, for the first time, made a claim for employment in the year 2019 and the same was considered and rightly rejected by the second respondent by passing the impugned order dated 22.07.2020.

3. This Court has carefully considered the submissions made on either side and also perused the entire material on record.

4. No doubt the second respondent has extended the benefit of employment to one of the family members of the 'land loser' in addition to the compensation payable for acquiring the land. Admittedly, the father of the petitioner made a claim for such employment during his lifetime and the same was rejected by passing an order dated 12.12.2001. Admittedly, the said order dated 12.12.2001 was not challenged by the father of the petitioner during his lifetime or by the petitioner till date. Without challenging the said proceedings dated 12.12.2001, the petitioner made an



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independent claim for employment under 'land loser' category by submitting the representation in the year 2020 i.e. after a lapse of nearly 20 years. The said claim made by the petitioner was rejected by the second respondent on the ground that there are no vacancies available with the second respondent as on date for accommodating the petitioner.

5. No doubt the action of the respondents appears to be arbitrary as all other similarly situated persons were extended with the benefit of employment at the relevant point of time. However, the respondents cannot be found fault for not considering the claim of the petitioner's father for employment at the relevant point of time as admittedly there was a dispute about the entitlement for compensation for the land acquired.

6. Whatever be the reason, the claim of the petitioner's father was rejected as early as in the year 2001 and the same is also not in dispute. It is only in the year 2019, for the first time, the petitioner has made a claim for employment by submitting a representation. Absolutely there is no explanation offered by the petitioner for not raising any claim from the year 2001 to 2019 for the employment. Thus, for about 18 years there was no claim by the petitioner for employment.



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7. In view of the long lapse of time and also delay in making the claim for employment by the petitioner and also on the ground that the claim made by the father of the petitioner was already rejected as early as on 12.12.2001, the claim made by the petitioner for employment suffers from latches and delays. The right if any accrued to the petitioner is only through his father whose land was acquired for the second respondent. The said claim was already rejected by the second respondent as early as in the year 2001. Therefore, the claim and right, if any, of the petitioner's father itself has come to an end in the year 2001 and therefore nothing is accrued to the petitioner after the demise of his father.

8. In the light of the above, this Court does not find any error or illegality in the impugned order dated 22.07.2020 passed by the second respondent and this writ petition is liable to be dismissed.

9. In the result, this Writ Petition stands dismissed. No costs.

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Index:Yes / No
Speaking order / Non speaking order
Neutral Citation Case: Yes / No
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MUMMINENI SUDHEER KUMAR, J.

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Copy To:

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2. General manager,
Neyveli Lignite Corporation Ltd.,
Neyveli – 607 807.

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