



WP.No.4401 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.4401 of 2017

S.Saman

S/o. Samraj

...Petitioner

Vs.

1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Executive Officer,
Selection Grade Town Panchayat
Kadathur
Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of Certiorarified Mandamus, praying to call for the records relating to the impugned proceedings of the 1st respondent in his office



WP.No.4401 of 2017

reference Na.Ka.No.2875/2015/Pe4 dated 18.12.2015, quash the same and direct the respondents to provide employment to the petitioner under the category of displaced land owners/land losers by considering the priority certificate already issued to the petitioner's father and by considering the petitioner's educational qualification, within the time that may be fixed by this Court.

For Petitioner : Mr.P.Mani

For Respondents : Mrs.S.Anitha

Special Government Pleader

ORDER

The writ petition is filed for issuance of writ of Certiorarified Mandamus to quash the proceedings dated 18.12.2015 of the 1st respondent and direct the respondents to provide employment to the petitioner under the category of displaced land owners/land losers, by considering the priority certificate already issued to the petitioner's father and by considering the petitioner's educational qualification, within the time, as may be fixed by this Court. The petitioner's father's lands were acquired for construction of Thumbalahalli Dam in Award No.20/82. The Tahsildar, Palacode issued employment priority Certificate to the petitioner's father on 28.03.2002 for acquisition of his lands. As the petitioner's father was not considered for employment under the land



WP.No.4401 of 2017

losers category, he filed writ petition in W.P.No.14050 of 2013 and vide order dated 08.05.2013, this Court directed the 1st respondent to consider the request of the petitioner's father. The 1st respondent, vide proceedings dated 05.09.2013, rejected the request on the ground that he was over-aged. Thereafter, the petitioner sent a representation to the 1st respondent on 30.06.2015, requesting him to provide him employment under the category of land loser in the place of his father. Since the respondent did not consider the petitioner's representation, the petitioner filed W.P.No. 24254 of 2015 and this Court, vide order dated 07.08.2015, directed the 1st respondent to consider the petitioner's representation dated 30.06.2015 and pass necessary orders.

2.The 1st respondent, vide impugned order dated 18.12.2015, rejected the petitioner's representation on the ground that as the petitioner did not belong to Kadathur Town Panchayat he was not eligible for employment in said Town Panchayat. Challenging the same, the petitioner has filed the present writ petition.

3.The learned counsel for the petitioner, while referring to the counter of



WP.No.4401 of 2017

the respondents submitted that the petitioner had been permitted to make a representation to the Executive Officer of the Kadathur Town Panchayat and therefore, the respondents could not reject his request on the ground that he did not belong to the said panchayat.

4.Learned Special Government Pleader appearing for the respondents submitted that the respondent/Town Panchayat cannot give employment to the petitioner because the said Panchayat did not take any land from the petitioner's father for the benefit of the said Panchayat. The learned Special Government Pleader appearing for the respondents submitted that the petitioner is at liberty to approach the concerned Panchayat (ie.) Palacode Town Panchayat, for job under the land loser category.

5.Heard both sides counsel. This Court finds force in the respondents submission that the petitioner cannot be given job in Kadathur Town Panchayat, because the land was acquired from his father in Palacode Taluk. The petitioner is therefore permitted to give a representation to the Executive Officer of Palacode Town Panchayat requesting him for employment under the



WP.No.4401 of 2017

"land loser category". The petitioner is directed to give the representation within two weeks from the date of receipt of a copy of this order. On receipt of the representation the Executive Officer, Palacode Town Panchayat shall consider the same and pass orders in accordance with law and on merits within a period of four weeks from the date of receipt of a copy of the representation.

6. With the aforesaid direction, this writ petition stands dismissed. No costs.

19.08.2024

vsn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The District Collector,

5/7



WP.No.4401 of 2017

WEB COPY

Dharmapuri,
Dharmapuri District.

2.The Executive Officer,
Selection Grade Town Panchayat
Kadathur
Dharmapuri District.

N.Mala,J.

VSn



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WP.No.4401 of 2017

W.P.No.4401 of 2017

19.08.2024