



W.P.(MD) No.18774 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.18774 of 2020

and

W.M.P.(MD) Nos.15698 and 15699 of 2020

N.David Charles

... Petitioner

Vs.

- 1.The District Collector,
O/o. The District Collector,
Tirunelveli District,
- 2.The Assistant Director,
O/o. The Assistant Director,
District Employment and Career
Guidance Center,
Collectorate Campus,
Kokkirakulam, Tirunelveli District.
- 3.The Tahsildar,
O/o. The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.
- 4.The Special Tahsildhar,
Land Acquisition,
Tirunelveli District Collectorate Campus,



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Kokkirakulam,
Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.Aa1/407/2020 dated 27.11.2020 on the file of the respondent No. 3 and quash the same as illegal and consequently directing the Respondents to register the name of the Petitioner in the special category of “Land Looser by Acquisition” and issue a Priority certificate in light of G.O.Ms.No.188, Personal and Administrative Department, dated 28.12.1976 within the time frame to be stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

The petitioner herein, claiming to be a grandson of one Devaraj, made a claim for employment by placing reliance on G.O.Ms.No.188, Personnel and Administrative Reforms (Personnel-P) Department, dated 28.12.1976 under the category of “family member of the land loser”. The said claim of the petitioner was rejected by the respondents by issuing the impugned proceedings dated 27.11.2020 on the ground that the family



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members of the land loser are already in Government employment and also on the ground that the petitioner herein does not come within the meaning of “members of the family” as provided under G.O.Ms.No.188, dated 28.12.1976. Aggrieved by the same, the petitioner approached this Court by filing the present writ petition.

2. From the perusal of the material on record, it is noticed that the land belonging to the grandfather of the petitioner was acquired as early as on 19.01.1979 for the purpose of Manonmanium Sundaranar University. By the date of acquisition of the said land by the Government, the petitioner was not even born. In terms of G.O.Ms.No.188, dated 28.12.1976, it is only the members of the family, whose lands have been acquired for Government purposes as well as for the project of the Public Sector Undertakings, subject to the condition that preference should be given to those who are dependant for their livelihoods primarily or wholly on the lands acquired, may be eligible for employment. The relevant clause reads as under:

“Members of the family including members of Scheduled Castes/Scheduled Tribe, whose lands have been



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acquired for Government purposes as well as for the project of the Public Sector Undertakings subject to the condition that preference should be given to those who are dependant for their livelihoods primarily or wholly on the lands acquired and from among them to members of the Scheduled Castes and Scheduled Tribes who may be eligible for employment.”

3. From the above, it is noticed that preference, that is, sought to be extended under the above clause is to the members of the family, who are dependant for their livelihoods primarily or wholly on the lands acquired.

4. As already noted above, the petitioner herein was not even born as on the date of acquisition of the land in question. Therefore, even assuming the petitioner is a member of the family of the land loser, he was not even born as on the date of acquisition of the land and therefore, the question of he being primarily or wholly dependant on the said land for his livelihood does not arise. Even otherwise, the petitioner is claiming to be a grandson of the land loser. Therefore, at the most, he may become a member



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of the extended family of the land loser, but not a member of the family of the land loser. “Family” would include the head of the family, wife and his children, but not his grandchildren. Admittedly, the father of the petitioner is working as a Government employee. Further, all the three children of the land loser are working as Government employees as stated in the counter affidavit and there is no dispute about the said fact.

5. In the light of the above, the petitioner does not come within the meaning of “member of the family of the land loser” or he can be said to be a person primarily or wholly dependant for his livelihood on the land in question. In the circumstances, this Court does not find any merit in the writ petition and the same is accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

ABR



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MUMMINENI SUDHEER KUMAR, J.

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