



WEB COPY



W.P.No.20143 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.20143 of 2025
and
W.M.P.No.22709 of 2025

M.Munusamy

... Petitioner

Vs.

1. The District Collector,
Vellore District,
Vellore.

2. The Executive Engineer,
Executive Engineer's Office,
Public Welfare Department,
(Moorthana & Kakkathoppu Kanar Plan Region),
Vellore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records in respect of the impugned order passed by the first respondent in Na.Ka.D1/2357970/2024 dated 10.01.2025 and to quash the same consequently to provide a job opportunity to the petitioner's elder son and to pay compensation amount for the land acquired.



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For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.R.U.Dinesh Raj Kumar,
Additional Government Pleader

ORDER

The instant writ petition has been filed challenging the order dated 10.01.2025 passed by the first respondent.

2. The learned counsel for the petitioner would submit that the petitioner's father has been in possession and enjoyment of the land comprised in S.No.250 to an extent of 56 cents, and in the year 1992, the said land was acquired by the Government for the purpose of constructing a Moorthana Dam. It is the further submission of the learned counsel for the petitioner that at the time, it was assured that preference would be given in employment. However, for the last 30 years, neither gave any compensation nor any preference in employment. Hence, in view of the order of this Court dated 30.10.2024 in W.P.No.29200 of 2024, he has sent a representation, which was rejected by the first respondent on their own reasons.



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3. The learned Additional Government Pleader appearing for the respondents would vehemently contend that the petitioner was not the owner of the said land and it is only Government poramboke land, and apart from that, the land was acquired during 1993. At this length of time, there is no point in providing preference to the petitioner in a public employment, which is contrary to the Constitution Bench judgement of the Hon'ble Apex Court.

4. I have given my anxious consideration to the submissions made on either side.

5. While looking at the impugned order, it reveals that the first respondent has rejected the claim on two grounds, one on the ground of delay, and another on the ground that the land does not belong to the petitioner. However, the learned counsel for the petitioner would submit that according to the letter dated 30.07.1993, even a person who parted with the Government poramboke land is entitled to have preference in the employment. Therefore, he would submit that the petitioner is entitled to have preference.



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6. It is well-settled principles of law that any public employment has to be done in accordance with the Service Rules. Preferential treatment in public employment and compassionate appointment is only an exception to the general rule. Though it is the case of the petitioner that he has parted the land for the construction of the Dam, the said event happened in the year 1993, and we are now in the year 2025. At this length of time, this Court has no ground to interfere with the impugned order, which rightly rejected the petitioner's claim on the ground that the petitioner is not the owner of the said land. Accordingly, this Court does not find any merit in this Writ Petition.

7. In the result, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

11.06.2025

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No



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C.KUMARAPPAN, J.

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