



W.P.(MD)No.26374 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 07.02.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

W.P.(MD)No.26374 of 2022

K.Murali

... Petitioner

vs.

1.The District Collector,
Office of the District Collector, Pudukottai District.

2.The District Employment Officer,
Office of the District Employment Exchange
and Carrier Guidance Centre,
Pudukottai, Pudukottai District.

3.The Assistant Director,
District Backward Community and Minority
Welfare Department,
Pudukottai, Pudukottia District.

4.The Tahsildar,
Iluppur Taluk, Pudukottai District.

5.The Tahsildar,
Viralimalai Taluk, Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to provide employment to the petitioner herein under priority category of family member land acquired by the Government pursuant to the



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petitioner's employment exchange Registration Number PDD2007M00010732 as certified by the 4th respondent herein in his Certificate bearing Na Ka.AA1/2650/05 dated 30.01.2009 as per G.O.Ms.No.188, P & A.R.Department, dated 28.12.1976 within the time stipulated by this Court.

For Petitioner :Mr.P.Mahendran
For Respondents :Mr.P.Thambidurai
Government Advocate

ORDER

This Writ Petition has been filed with the following prayer:

“to direct the respondents herein to provide employment to the petitioner herein under priority category of family member land acquired by the Government pursuant to the petitioner's employment exchange Registration Number PDD2007M00010732 as certified by the 4th respondent herein in his Certificate bearing Na Ka.AA1/2650/05 dated 30.01.2009 as per G.O.Ms.No.188, P & A.R.Department, dated 28.12.1976 within the time stipulated by this Court.”

2.Mr.P.Mahendran, learned Counsel for the petitioner submits that the lands of the petitioner's family were acquired for the formation of NH-45 subject to the condition that preference will be given by the State



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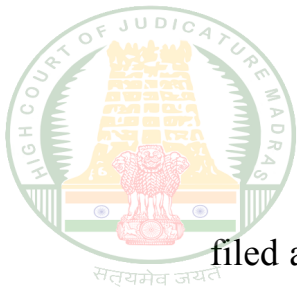
Government to any of the family member of the petitioner in employment. Accordingly, the petitioner had made several representations before the respondents for employment and since the same was not considered by the authorities, the petitioner had moved a Writ Petition in W.P.(MD)No.2686 of 2013, which was disposed of by this Court vide order, dated 04.11.2013 and this Court has passed the following order:

“2.Today, when the matter was taken up, the learned Additional Government Pleader, on instruction, would submit that as per G.O.Ms.No.188 Personal and Administrative Reforms (Per.P) Department dated 28.12.1970, the petitioner's name will be considered as per the seniority list maintained by the third respondent. The learned counsel would further submit that as of now, the petitioner has not come within the zone of consideration. He would, however, submit that as soon as the petitioner comes within the zone of consideration, his name will be sponsored for employment. The said statement is recorded.

3.In view of the said stand taken by the third respondent that the petitioner has not reached the zone of consideration and that his name would be considered as soon as he falls within the zone of consideration, no further direction as prayed for requires to be issued in this writ petition.

4.In view of the above, the writ petition stands disposed of recording the above submission made by the learned Additional Government Pleader. No costs. Consequently connected Miscellaneous Petition is closed.”

3.The learned Counsel for the petitioner further submits that since petitioner was not given any employment, the petitioner had thereafter



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filed another Writ Petition in W.P.(MD)No.2330 of 2021, which was also disposed of by this Court vide order, dated 10.02.2021 and this Court has passed the following order:

“4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representation dated 11.01.2021, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 11.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.”

4. Now, the third Writ Petition had been filed for the very same prayer.

5. Mr. P. Thambidurai, learned Government Advocate appearing for the respondents made primarily objection with regard to the maintainability of this Writ Petition, as this is the third Writ Petition filed by the petitioner for the very same relief and the two Writ Petitions filed by the petitioner were earlier disposed of by this Court. He further submits that if he is aggrieved by the action of the respondents for not



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complying with the order passed by this Court earlier, dated 04.11.2013 and 10.02.2021, the petitioner has a remedy to file a Contempt Petition before the competent Court and not by filing the Writ Petition.

6.After considering the arguments, as advanced by the learned Counsels for the parties and after perusal of the orders passed by this Court in W.P.(MD)No.2686 of 2013 and W.P.(MD)No.2330 of 2021, dated 04.11.2013 and 10.02.2021, respectively, the arguments advanced by the learned Government Advocate appears to be justified and accordingly, the present writ petition is not maintainable for the relief claimed in the writ petition being the third writ petition and if the petitioner is aggrieved, he may workout his remedy by filing a Contempt Petition before the appropriate Court of law.

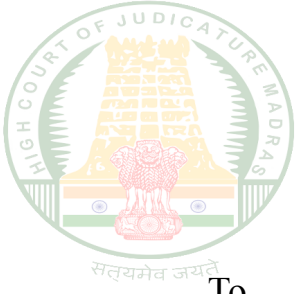
7.With the above observations, this Writ Petition is disposed of.

No costs.

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

07.02.2025

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SHAMIM AHMED, J.

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