

(2011) 09 MAD CK 0165

Madras High Court

Case No: Writ Petition No. 8806 of 2009

V. Dhanasekaran

APPELLANT

Vs

The District Collector
Thiruvannamalai
District, The District Adi
Dravidar Welfare
Officer, The Special
Tahsildar Adi Dravidar
Welfare and The
District Employment
Officer District
Employment Exchange
Office Thiruvannamalai
District

RESPONDENT

Date of Decision: Sept. 26, 2011

Citation: (2011) 09 MAD CK 0165

Hon'ble Judges: K. Chandru, J

Bench: Single Bench

Advocate: Mr. S. Vijay Anand, for the Appellant; Mr. V. Subbiah, Special Government Pleader,
for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

The Honourable Mr. Justice K. Chandru

1. The Petitioner has filed the present writ petition challenging an order passed by the District Employment Officer, District Employment Exchange Office, Thiruvannamalai District - fourth Respondent, dated 14.5.2007. By the impugned order, the Petitioner was informed by the fourth Respondent that the District Collector, Thiruvannamalai by his

communication dated 19.8.2006 informed that the Petitioner obtained a land loser certificate for claiming priority in the grant of employment and the certificate was issued without following the guidelines and, therefore, he need not be registered under the priority category of candidates and hence, the priority quota meant for him stood cancelled.

2. The writ petition was admitted on 14.5.2009. Pending the writ petition, this Court granted interim direction on the basis of the order passed by this Court in W.P. No. 826 of 2008 and W.P. No. 14433 of 2008. Subsequently, since the Petitioner did not comply with the office requirement of effecting service, this Court, by order dated 17.6.2010, directed the Petitioner to comply with the defects pointed out by the Registry, failing which the application was to be rejected automatically, and since the batta was not paid, this Court rejected the Petitioner's interim petition. On notice from this Court, the fourth Respondent has filed a counter affidavit dated 11.9.2009 together with supporting documents.

3. It is seen from the records that the Petitioner purchased 21 Cents of land in Mazhuvampattu Village, Chengam Taluk, Thiruvannamalai District by a registered sale deed on 31.1.2005. Subsequently, the land was acquired by the Special Tahsildar on 29.3.2005 under the Tamil Nadu Act 31 of 1978 for the purpose of providing house sites for Adi Dravidar people of the village. The Petitioner claimed that when the requisition was made under the Tamil Nadu Act 31 of 1978 he voluntarily offered the said land for acquisition and executed the sale deed and registered with the Sub Registrar Office at Thandarampatti on 29.3.2005. In view of the acquisition of the land, for which he got a compensation of `9,310/- , he wanted his name to be registered as a land loser, for being considered under the priority category vide G.O.Ms. No. 188, Personnel and Administrative Reforms Department, dated 28.12.1976.

4. Subsequently, when these facts were brought to the notice of the District Collector, he made an enquiry and he issued the letter dated 19.8.2006 addressed to the fourth Respondent stating that the Petitioner had obtained such certificate by misusing the government facilities and he will not be considered as a land loser in terms of the government order. Challenging the same, the writ petition came to be filed.

5. However, this Court already held in similar cases where persons who on coming to know about the acquisition of land purchased certain land and also gave away their land and received compensation, that such persons cannot be said to be persons covered by the government order in question.

6. The government order referred to, namely G.O.Ms. No. 188, Personnel and Administrative Reforms Department, dated 28.12.1976, No. doubt provides land losers as one of the priority categories to be kept separately in employment exchange for being sponsored when any requisition is made. The government order itself is very clear that the land must be acquired for public purpose and the person who loses the land must be solely dependent on their earnings from the said land.

7. In the present case, the Petitioner had purchased the land only on 31.1.2005 and handed over the land to the Special Tahsildar on 29.3.2005, namely within two months. Therefore, the Petitioner cannot be said to be a person who is dependent on the land. Secondly, the land is only of 21 Cents and not agricultural land and it is meant for providing house sites and therefore, one could not be dependent on the income from the said land. Thirdly, the compensation received by him was only `9,310/- .

8. In such cases, this Court took exception to the persons misusing the government facilities and purchasing land on token basis knowing fully well through private information from the office of the Tahsildar and thereafter surrendering such land as if it was some courtesy, only with a view to register their name as land loser for claiming priority in the grant of employment. Unless the Petitioner comes within the four corners of the government order which provides for priority category, the attempt made by the Petitioner cannot be welcomed. Therefore, the District Collector had correctly cancelled the registration of the name of the Petitioner under the priority category.

9. Moreover, the two writ petitions relied on by the learned Judge at the time of admission were dismissed - W.P. No. 14433 of 2008 was dismissed by this Court on 30.6.2010 and W.P. No. 826 of 2008 was dismissed by a Division Bench on 25.2.2008.

10. In the light of the above, the writ petition is misconceived and hence, the same stands dismissed. No. costs.