

(2013) 01 MAD CK 0069

In the Madras High Court

Case No : Writ Petition No. 2466 of 2011

Dr. N. Fazulullah

APPELLANT

Vs

The Assistant Director, Professional and Executive
Employment Office, Santhome High Road, Chennai

RESPONDENT

Date of Decision : 08-01-2013

Acts Referred:

Citation : (2013) 01 MAD CK 0069

Hon'ble Judges : R. Sudhakar, J

Bench : Single Bench

**Advocate : V. Vijay Shankar, for the Appellant; N. Srinivasan, Additional
Government Pleader, for the Respondent**

Judgement

Honourable Mr. R. Sudhakar, J.—This Writ Petition is filed praying to issue a Writ of Mandamus, directing the respondent to register the

petitioner's name under the Land Acquisition Priority Quota as per GO Ms. No. 188 (P and AR) Department dated 28.12.76 and on the basis of

the certificate issued by the Special Tahsildar (Adi Dravidar Welfare) Cuddalore dated 3.2.2010. The property belongs to Shri Nawabjan, the

father of the petitioner, was acquired under the provisions of the Act 38 of 1978. Petitioner seeks employment under the priority quota in respect

of persons whose land has been acquired in terms of G.O.Ms. No. 188 (P and AR) Department dated 28.12.1976.

2. The fact that the land of the petitioner's father was acquired is not in dispute. Petitioner has made a request/representation for registering his

name under the priority quota to the respondent on 28.12.2010. Since the request/representation has not been considered so far, present writ

petition has been filed for a mandamus as above.

3. Till date no counter is filed by the respondent. Mr. N. Srinivasan, learned Additional Government Pleader states that the petitioner is married

and therefore, the petitioner is not entitled to the benefit in view of the clarification issued on 29.2.1988 to the G.O.Ms. No. 188 (P and AR)

Department dated 28.12.1976.

4. In this case, admittedly no order has been passed either accepting the petitioner's plea or refusing to grant the benefit in terms of G.O.Ms. No.

188 (P and AR) Department dated 28.12.1976. However, the plea of the petitioner is that the petitioner being the son of the displaced land owner

is entitled to consider for employment under the priority quota in terms of the above said G.O. He relies upon the following decisions of this

Court:-

(1) W.P.(MD) No. 3301 of 2010 dated 21.4.2010 (P. Dulasidoss vs.-The Collector, Sigavangai District and two others)

(2) W.P. No. 16355 of 2011 dated 20.9.2011 (S. Satheesh Babu vs.-The District Employment Officer, District Employment Office, Gandhi

Nagar, Thiruvannamalai)

5. In the decisions cited above, it is stated that the beneficiaries are grandsons. As to whether the claim of the petitioner can be considered despite

marriage should be decided by the authority on going through the G.O.Ms. No. 188 (P and AR) Department dated 28.12.1976 and the authority

has to take a decision either way on merits. As rightly pointed by the learned Additional Government Pleader, the court will not interfere into the

decision making process except to direct the respondent to consider the claim of the petitioner on merits considering the decisions rendered in the

above two cases as may be applicable. Petitioner is entitled to submit the above two judgments of this court to the authority for consideration.

Such exercise shall be done within a period of four weeks from the date of receipt of a copy of this order The Writ Petition is disposed of as

above. No costs.