



W.P(MD)Nos.4714, 4719 & 5010 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.4714, 4719 & 5010 of 2016

and

W.M.P. (MD) Nos.4258, 4268 & 4465 of 2016

W.P(MD)No.4714 of 2016

Ramakant Innani
S/o. Nathamal Innani,
H.No.7-5-204, Jawahar Nagar,
Raichur, Karnataka State,

Rep. by its General Power of Attorney Agent,
Sri. N. Laxmikanth,
S/o. Narayan Rao,
No.10/80, Rajendra Gunj,
Raichur, karnataka State

...Petitioner

Vs.

1. The Superintendent Engineer,
General Construction Circle,
Transmission Line Construction,
TANGEDCO,
K. Pudur,
Madurai.



W.P(MD)Nos.4714, 4719 & 5010 of 2016

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2. The Superintendent Engineer,
Wind Farm Project,
TANGEDCO,
Tirunelveli.
3. The Executive Engineer,
Wind Farm Project,
TANTRANSCO,
Tirunelveli.
4. The Executive Engineer,
Wind Farm Project,
TANGEDCO,
Tirunelveli.
5. M/s. Gamesa Wind Turbines Private Limited,
Rep. it's through Director,
No.334, Rajiv Gandhi Salai,
Solinganallur,
Chennai.
6. M/s. Kshema Power & Infrastructure Co. Pvt. Ltd.,
Rep it's through Director,
No.34, First Floor,
Defence Officer Colony,
Eekkattuthangal,
Chennai.
7. The District Collector,
Tuticorin District,
Tuticorin.



W.P(MD)Nos.4714, 4719 & 5010 of 2016

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8. M/s. Kairali Wind Farm Services (A) Ltd.,
No.17/1087, 1st Floor,
Mayuri Towers, P.P. Road,
Perumbavoor,
Ernakulam District,
Kerala.

..... Respondents

(8th respondent is impleaded vide Court order dated
29.03.2016 passed in W.M.P(MD)No.5196 of 2016)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents 1 to 4 from granting the order for commissioning of Wind Mill in favour of the respondents 5 and 6 by transmitting electricity though the High Tension electric tower and overhead lines over the petitioner's land situated S.No.182/5 to an extent of 4.37 acres at Kothali Village, Ottapidaram Taluk, Tuticorin District.

For Petitioner : H. Arumugam

For Respondents : Mr.S. Deenadhayalan - for R1 to R4
Standing Counsel
Mr. B.Muruganantham - for R5



W.P(MD)Nos.4714, 4719 & 5010 of 2016

Mr. M. Sarangan - for R7
Additional Government Pleader
Mr. M. Senthil Kumar - for R8
No Appearance - for R6

W.P(MD)No.4719 of 2016

A. Rasheeda Beevi,
W/o. Abdul Azeez,
No.339, M.K. Vilai – 10,
Varkala District,
Varkala, Thiruvananthapuram

Rep it's her Power of Attorney Agent,
S. Paramasiva Pandian,
S/o. Shanmugaiah Pandian,
7/10, West Street, Veerapandia Pulikulam,
Kadambur, Ottapidaram Taluk,
Turicorin District.

...Petitioner

Vs.

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Perumbavoor,
Ernakulam District,
Kerala.

..... Respondents

(8th respondent is impleaded vide Court order dated
29.03.2016 passed in W.M.P(MD)No.5197 of 2016)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents 1 to 4 from granting the order for commissioning of Wind Mill in favour of the respondents 5 and 6 by transmitting electricity though the High Tension electric tower and overhead lines over the petitioner's land situated S.No.164/1 - 2.02 acres and S.No.164/2 - 2 acres, S.No.165/1 - 0.83 acres and S.N0.166/8 - 6.02 acres at Kothali Village, Ottapidaram Taluk, Tuticorin District.

For Petitioner : H. Arumugam

For Respondents : Mr.S. Deenadhayan - for R1 to R4
Standing Counsel



W.P(MD)Nos.4714, 4719 & 5010 of 2016

Mr. B. Muruganantham - for R5

Mr. M. Sarangan - for R7

Additional Government Pleader

Mr. M. Senthil Kumar - for R8

No Appearance - for R6

W.P(MD)No.5010 of 2016

G.R. Ramanan,
S/o.G. Gopalan,
No.20, Sujithnivas,
Padinjattinakara South,
Kottarakara,
Kerala State

Rep by his Power of Attorney Agent,
S.Rajesh Vajpayee,
S/o. Subash Vajpayee,
No. 138, Madasamy Kovil Street,
Rajapalayam,
irudhunagar District.

...Petitioner

Vs.

1. The Superintendent Engineer,
General construction Circle,
Transmission Line Construction,
TANGEDCO,
K. Pudur,
Madurai.



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Perumbavoor, Ernakulam District,
Kerala.

..... Respondents

(8th respondent is impleaded vide Court order dated
29.03.2016 passed in W.M.P(MD)No.5198 of 2016)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents 1 to 4 from granting the order for commissioning of Wind Mill in favour of the respondents 5 and 6 by transmitting electricity though the High Tension electric tower and overhead lines over the petitioner's land situated S.No.164/3 to an extent of 5 acre, 91 cent and 4 acre 76 cent out of 9 acre 52 cent situated in S.No.173 and 1 acre 38 cent situated in S.No.174/3 at Kothali Village, Ottapidaram Taluk, Tuticorin District.

For Petitioner : H. Arumugam

For Respondents : Mr.S. Deenadhayalan for R1 to R4
Standing Counsel



W.P(MD)Nos.4714, 4719 & 5010 of 2016

Mr. B. Muruganantham - for R5

Mr. M. Sarangan - for R7

Additional Government Pleader

Mr. M. Senthil Kumar - for R8

No Appearance - for R6

COMMON ORDER

The petitioners have filed these Writ Petitions for the relief of Mandamus forbearing the respondents 1 to 4 from granting an order for commissioning of Wind Mill in favour of the respondents 5 and 6, that without obtaining valid permit from the land owners and electric lines were drawn for transmitting electricity to the first respondent sub-station through the petitioners' patta land.

2.The case of the petitioner in W.P.(MD)No.4714 of 2016 is that the petitioner is in the business of Solar Electric Power Generating System and currently generating electricity through Solar System at Virudhunagar District. The petitioner has purchased nearly 150 acres of lands in and around Ottapidaram Taluk,



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Tuticorin District and they have also executed power of attorney in favour of one Paramasiva Pandian. Among the properties, the properties situated in S.No.182/5 to an extent of 4.37 acres in Kotali Village, Ottapidaram Taluk, Tuticorin District, was purchased through a registered sale deed, dated 21.01.2008 and thereafter, the petitioner was in peaceful possession and enjoyment of the said land. But in the mean time, taking advantage of the non-availability of the petitioner in the locality, the respondents 5 and 6 have illegally trespassed into the property on 09.02.2016 and installed an electric tower in S.No.182/5 for taking the high tension overhead electric line across the land belonging to the petitioner. Therefore, the petitioner has come forward with the present Writ Petition.

3.The case of the petitioner in W.P.(MD)No.4719 of 2016 is that the petitioner is the absolute owner of the Ayan punja land situated in S.No.164/1 to an extent of 2.02 acres and 2 acres situated in S.No.164/2, totally 4.02 acres and 0.83 acres situated in S.No.165/1 and 6.02 acres situated in S.No.166/8 at Kothali Village,



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Ottapidaram Taluk, Tuticorin District. The respondents 5 and 6 have approached the respondents 1 to 4 for erection of wind mill in their own land at Ottanatham Village and for transmitting the electricity proposed to be generated to the Ayyanaruthu electricity sub-station of TNEB. The respondents 5 and 6 along with other labours trespassed into the property of the petitioner and started work for installing electric tower. Hence, the petitioner sent a representation on 10.02.2016 to the District Collector, the respondents 2 and 3 and other officials. On receipt of the same, the second respondent forwarded it to the first respondent by his proceedings, dated 11.02.2016 for taking steps as the project is under the control of the first respondent. Due to in action, the petitioner has come forward with the present Writ Petition.

4.The case of the petitioner in W.P.(MD)No.5010 of 2016 is that the petitioner is the absolute owner of the Ayan punja land situated in S.No.164/3 to an extent of 5.91 acres and 4.76 acres situated in S.No.173 and 1.38 acres in S.No.174/3 at Kothali Village,



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Ottapidaram Taluk, Tuticorin District. The respondents 5 and 6 have approached the respondents 1 to 4 for erection of wind mill in their own land at Ottanatham Village and for transmitting the electricity proposed to be generated to the Ayyanaruthu electricity sub-station of TNEB. The respondents 5 and 6 along with other labours trespassed into the property of the petitioner and started work for installing electric tower. Hence, the petitioner sent a representation on 16.02.2016 to the District Collector, the respondents 2 and 3 and other officials. Thereafter, the petitioner went to the office of the first respondent on 18.02.2016 and requested him not to give any permission for transmission of electricity through the tower line under dispute and also requested to direct the respondents 5 and 6 to stop the installation process and to remove the electric pole and overhead lines installed in S.No.164. Due to in action, the petitioner has come forward with the present Writ Petition.

5. These Writ Petitions were entertained on 09.03.2016 and 11.03.2016 and notice was also ordered to the respondents. The



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Government Pleader and Standing Counsel has also taken notice for the respondents. These Writ Petitions are pending from the year 2016. The private respondent-Wind Mill operator have not filed their response to the Writ Petitions so far. This Court by order, dated 05.06.2023 has listed the said Writ Petitions as finally. Even thereafter, the respondents have not filed their response. Till date the respondents have not disputed the averments made in these Writ Petitions.

6. The learned counsel for the first respondent submits that the service line has already been commissioned. However, the standing counsel has also not produced any document to show that any valid permission has been obtained by the respondents 5 and 6 to draw the line through the petitioners' patta land.

7. The prayer sought for in these Writ Petitions for a Mandamus forbearing the respondents 1 to 4 from granting the order for commissioning of Wind Mill in favour of the respondents 5 and



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6 by transmitting electricity through the High Tension electric tower and overhead lines over the petitioners' patta land.

8. Considering the averments made in these Writ Petitions, has not been denied by the respondents 5 and 6, this Court is inclined to allow these Writ Petitions.

9. In view of the same, these Writ Petitions are allowed. The respondents are directed to remove the over head electric lines forthwith. No costs. Consequently, connected miscellaneous petitions are closed.

04.10.2023

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

RM



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B.PUGALENDHI, J.

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