



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2017

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.24215 of 2016 and
WMP(MD) NoS. 17503/2016 & 1341,1337 of 2017

Alagumuthu

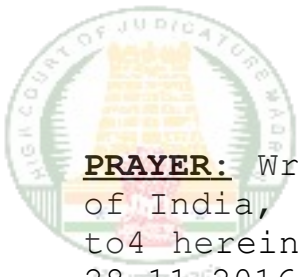
.. Petitioner

Vs.

1. The Superintending Engineer,
Wind Farm Project,
Tamil Nadu Electricity Board,
Tirunelveli.
2. The Superintending Engineer,
Tirunelveli Electricity Circle,
Maharaja Nagar, Tirunelveli.
3. The Superintending Engineer,
Maintenance and Operation (Rural)
Maharaja Nagar, Tirunelveli.
4. The Executive Engineer, (Rural),
Tamil Nadu Electricity Board,
Tirunelveli.
5. Leitner Sriram Manufacturing Ltd.,
Rep. By its Manager,
M.Vijayakumar, S/o.A.Mathayee,
Anucode, Solom Melakkavilai,
Vilavancode Taluk,
Kanyakumari District.
6. Muthiah
7. Ulaganathan
8. M/s Neyveli Lignite Corporation Ltd,
Block NO.1, Neyveli 607 801,
Rep. by through its Special power Agent,
P.Pakkiasamy,
S/O.Ponnan, Cuddalore District.

.. Respondents

(Respondent 6 to 8 were impleaded as party vide order dated



PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to consider the representation of the petitioner dated 28.11.2016, objecting to provide electricity connection to the 5th respondent "Wind Mill" in the petitioner's land in S.F.No.5/4, 5/8, to an extent of 0.4.5 and 0.05.0 situated at Narnapuram, Mayanmankurichi post, Alangulam Taluk, Tirunelveli District.

For Petitioner : Mr.S.Gokulraj
 For R1 to R4 : Mr.G.Kasinatha Durai
 For R5 : Mr.M.Ajmalkhan
 Senior Counsel
 for Mr.T.Sakthi Kumaran

O R D E R

The Writ Petition has been filed for directing the respondents 1 to 4 herein to consider the representation of the petitioner dated 28.11.2016, objecting to provide electricity connection to the 5th respondent "Wind Mill" in the petitioner's land in S.F.No.5/4, 5/8, to an extent of 0.4.5 and 0.05.0 situated at Narnapuram, Mayanmankurichi post, Alangulam Taluk, Tirunelveli District.

2. Heard Mr.S.Gokulraj the learned Counsel appearing for the petitioner, Mr.G.Karinatha Durai the learned Counsel appearing for Respondent No.1 to 4 and Mr.M.Ajmalkhan the learned Counsel appearing for Respondent No.5

3. Mr.G.Kasinatha Durai the learned Counsel takes notice for the respondents No.1 to 4.

4. This petition is filed for issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 28.11.2016, in which the petitioner had raised some objection to provide electricity connection to the 5th respondent's "Wind Mill".

5. According to the petitioner, the petitioner is the owner of the land in S.F.No. 5/4, 5/8, where the Wind Mill is erected by the 5th respondent. However, it is contented that the 5th respondent has erected the windmill without permission, or consent, from the petitioner and that he is trying to get electricity connection also to the wind Mill. The petitioner has made a representation on 28.11.2016. The request of the petitioner is that the respondents shall not consider the application filed by the 5th respondent for providing electricity service connection, without hearing the objection of the



petitioner. The 5th respondent has filed a counter contenting that the 5th respondent is the absolute owner of the said land and that the 5th respondent is in lawful possession.

6. Having regard to the nature of dispute and the scope of the Provisions of Tamil Nadu Electricity Supply Code, this court is inclined to pass the following direction:

7. The first respondent is directed to consider the petitioner's objections after hearing the 5th respondent. The respondent 1 to 4 are directed to dispose of the objection purely in terms of provisions of Tamil Nadu Electricity Supply Code and Electricity Act on merits and in accordance with law within a period of 4 weeks from the date of receipt of a copy of this order.

8. Accordingly, the present Writ Petition is disposed of. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintending Engineer,
Wind Farm Project,
Tamil Nadu Electricity Board,
Tirunelveli.
2. The Superintending Engineer,
Tirunelveli Electricity Circle,
Maharaja Nagar, Tirunelveli.
3. The Superintending Engineer,
Maintenance and Operation (Rural)
Maharaja Nagar, Tirunelveli.
4. The Executive Engineer, (Rural),
Tamil Nadu Electricity Board,
Tirunelveli.

+ 1 CC TO Mr.A.THIRUMURTHY, ADVOCATE IN SR No. 53316
+ 1 CC TO Mr.G.KASINATHA DURAI, ADVOCATE IN SR No. 53352
+ 1 CC TO Mr.S.GOKULRAJ, ADVOCATE IN SR No. 53421

GNS/TA

TE/SV-MMS/SAR-IV : 27/04/2017 : 3P/8C

ORDER MADE IN