



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.10124 and 10125 of 2013
and
M.P.(MD) Nos.1,1 and 2 of 2013

M/s.Rayalaseema Hi-Strength Hypo Ltd.,
represented by its Chairman & Managing Director,
Shri T.G.Bharath

... Petitioner

Vs.

1.The Government of Tamilnadu,
represented by Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The District Collector,
Office of the District Collector,
Theni.

3.The Chief Engineer,
Non Conventional Energy Sources (NCES)
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.

4.The Superintending Engineer,
Non Conventional Energy Sources (NCES)
Tamil Nadu Electricity Board,
Udumalpet.

5.The President,
Marikundu Panchayat,
Andipatti - 625 517.

... Respondents

Prayer in both petitions : Petitions are filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned notice dated Nil June 2012 in Na.Ka.No.2/2012/B1 issued by the fifth respondent and the impugned proceedings dated 14.06.2012 in Na.Ka.No.42691/2011/Q5 of the second respondent respectively and quash the same.



For Petitioner : Mr.Hari Radhakrishnan

For Respondents: Mr.T.S.Md.Mohideen, A.G.P. For RR1 & 2
Mrs.S.Srimathy for RR3 and 4

WEB COPY

COMMON O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner questions the notice issued by the fifth respondent Panchayat. In the said notice, the fifth respondent has taken the stand that the writ petitioner could not have erected the Wind Mill without getting permission from the Panchayat.

2.According to the petitioner, the impugned notice in W.P.(MD) No.10124 of 2013 is without jurisdiction. It is seen that the impugned notice has been issued pursuant to the proceedings dated 14 June 2012 issued by the second respondent, which is also impugned in W.P.(MD) No.10125 of 2013.

3.The second respondent has filed counter affidavit opposing the prayer made in the writ petitions. In the impugned communications, the writ petitioner has only been called upon to regularise the installation of the Wind Mills. The impugned communication can very well be treated as a notice and the writ petitioner can be permitted to lodge their objections before the fifth respondent. The writ petitioner is given two weeks time from the date of receipt of a copy of this order to lodge their objections/explanations. It is for the fifth respondent to consider the same and pass appropriate orders thereon.

4.The writ petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/Truecopy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Government of Tamilnadu,
Rural Development and Panchayat Raj Department,
Fort St. George, Secretariat, Chennai - 600 009.

2.The District Collector,
District Collector,
Theni.



3.The Chief Engineer,
Non Conventional Energy Sources (NCES)
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai - 600 002.

4.The Superintending Engineer,
Non Conventional Energy Sources (NCES)
Tamil Nadu Electricity Board,
Udumalpet.

5.The President,
Marikundu Panchayat,
Andipatti - 625 517.

+2cc to M/S.HARI RADHAKRISHNAN, Advocate SR.Nos.69424&69425

+1cc to Special Government Pleader, SR.No. 69735

skm/Arul

MAS/KK/SAR4:18.08.2017:3P-9C

W.P(MD)Nos.10124 and 10125 of 2013
and
M.P. (MD) Nos.1,1 and 2 of 2013
31.07.2017