



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.4770 of 2018

and

W.M.P. (MD) No.4784 of 2018

K.Palraj

: Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.M/s.Suzlon Gujarat Wind Park Limited,
Represented by its Power of Attorney
N.Iyyakutty,
S/o, P.Nambivengadam,
No.43, Sannathi Street,
Kallidaikurichi,
Thirunelveli District.

3.M/S.Pothys by it's
Authorised person,
2-5, Sathyamoorthy Street,
Thirunelveli Town,
Thirunelveli District.

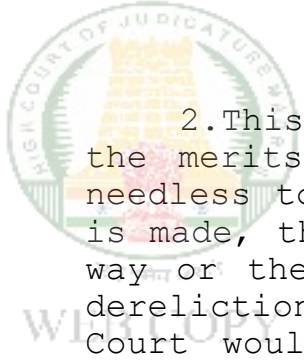
: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to take action against the 2nd and 3rd respondents to stop the erection of wind mill unit in Sr.No.180/1A, 180/1B, 180/1C, 180/1D, 180/1E, 180/2A, 180/2B, 180/2C, 180/2D, 185/5 Vellalakottai Village, Kayathar Taluk, Tuticorin District by considering the petitioner's representation dated 06.02.2018.

For Petitioner	: Mr.G.R.Sathish
For R1	: Mr.J.Guneseelan Muthiah Additional Government Pleader
For R2	: Mr.Ajmalkhan Senior Counsel
For R3	: No Appearance

ORDER

The grievance of the petitioner that his representation dated 06.02.2018 seeking to take action against the second and third respondents to stop the erection of wind mill unit at Vellalakottai Village, Kayathar Taluk, Tuticorin District, has not been considered by the first respondent till date and therefore, he has filed the present Writ Petition.



2.This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

3.In view of the limited prayer sought for in this Writ Petition, there shall be a direction to the first respondent to consider the petitioner's representation dated 06.02.2018 on its own merits and take further action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as the second and third respondents and also any other persons who may be interested in the subject matter.

4.With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The District Collector,
Thoothukudi District,
Thoothukudi.

+1cc to Special Government Pleader, SR.No. 72355
+1cc to M/S.Ajmal Associates, Advocate SR.No. 72315

W.P. (MD)No.4770 of 2018
10.07.2018

gns
JM/SKN RSK/SAR 2/26.07.2018/2P/4C