



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.07.2018
CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.8583 of 2018
and
W.M.P. (MD) No.8068 of 2018

Mariammal : Petitioner
Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.

3.The Tahsildar,
Thiruvengkatam,
Tirunelveli District.

4.The Superintending Engineer,
Wind Mill Farm,
Maharaja Nagar,
TANGEDCO,
Tirunelveli District.

5.Suzlon Energy Ltd.,
No.104, First Floor,
Delta Wing, Raheja Towers,
177, Anna Salai,
Chennai-600 002.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to forbear the 5th respondent from installing the wind mill at Survey No.854B, Ramalingampatti, Sayamalai Post, Thiruvengkatam Taluk, Tirunelveli District considering the petitioner's representation dated 10.02.2018.

For Petitioner	: Mr.S.Poorna Chandran
For R1 to R3	: Mr.J.Gunaseelan Muthiah Additional Government Pleader
For R4	: Mr.Kasinathadurai Standing Counsel
For R5	: Mr.Ajmal Khan Senior Counsel



ORDER

The grievance of the petitioner that her representation dated 10.02.2018 seeking to forbear the fifth respondent from installing the wind mill at Ramalingampatti, Sayamalai Post, Thiruvenkatam Taluk, Tirunelveli District, has not been considered by the respondents till date and therefore, she 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 10.02.2018 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 fifth respondent 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

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.

3.The Tahsildar,
Thiruvenkatam,
Tirunelveli District.



+1cc to Special Government Pleader, SR.No. 72354
+1cc to M/S.Ajmal Associates, Advocate SR.No. 72319

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W.P. (MD) No. 8583 of 2018
10.07.2018

gns

JM/SKN RSK/SAR 2/26.07.2018/3P/6C