



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.10760 of 2018

and

W.M.P(MD).Nos.9858 and 9859 of 2018

V.Selvaraj Reddiar

: Petitioner

Vs.

1.The Executive Magistrate and Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

2.M/s.Zuslan Gujaraj Wind Park Ltd.,
104, First Floor, Delta Wing,
Rehija Tower,
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 Certiorari, calling for the records relating to the impugned order passed by the first respondent order in Na.Ka.A1/549/2018 dated 16.02.2018 and quash the same.

For Petitioner	: Mr.V.Sasikumar
For R-1	: Mr.Ajmalkhan
	Senior counsel
	for Ajmal Associates

ORDER

This writ petition has been filed to quash the impugned order passed by the first respondent in Na.Ka.A1/549/2018, dated 16.02.2018.

2.The apprehension, on what basis the present writ petition has been filed, is that damage would be caused to the crops, while laying a road to the wind mill installation areas.

3.Today when the matter is called, the second respondent herein had filed an affidavit, dated 04.06.2018 stating as follows:-

"9.I respectfully state that the present writ petition is based on apprehension that we tried to destroy the crops of the petitioner herein. The said apprehension is based on assumption and inference. In fact, we are not



using or interfering with the possession and enjoyment of the lands belong to the petitioner in Survey No.143/1B, 143/3B, 150/1A, 150/3A, 152/1, 51/1B, 61/1 and 77/3B in P.Duraisampuram Village, Ottapidaram Taluk, Thoothukudi District. We only used the public road and cart track maintained by the Local Panchayats to reach our site. We have no proposal to use the land belong to the petitioner nor have any intention to interfere with the possession and enjoyment of the said land of the petitioner. The said undertaking may be placed on record.

10. I respectfully state that in fact we have deposited a Bank Guarantee for an amount of Rs.2,00,00,000/- (Rupees Two Crores only) vide Guarantee Number 000999518BG0000267 dated 12.02.2018 by SBI Mumbai and Rs.50,00,000/- (Rupees Fifty Lakhs only) as Security Deposit vide DD.No.020644 dated 13.02.2018 drawn on Corporation Bank, Thirunelveli Branch in favour of the District Collector, Thirunelveli, in the event of any damage caused to the public road or the land belongs to the private parties. The said amount can be utilized by the official respondent and the petitioner can also approached the official respondent in the event of any damages being caused to the crops belong to the petitioner. "

4.In view of the above undertaking that the second respondent does not intend to cause any damage to the petitioner's crops and also that in case of any such damage, the petitioner herein is secured in view of the deposits made by the second respondent herein, the petitioner may not have any grievance as such. The learned Additional Government Pleader has also submitted, on instructions, that sufficient Bank guarantees have been furnished by the petitioner herein and that the petitioner is properly secured in case of any damages.

5.Recording the statement made by the second respondent in the aforesaid affidavit and also of the learned Additional Government Pleader, the Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

The Executive Magistrate and Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.



+1cc to M/s.V.Sasikumar, Advocate, SR.No.67165.
+1cc to M/s.Ajmal Associates, Advocate, SR.No.66976.
+1cc to Special Government Pleader, SR.No.67137.

WEB COPY

W.P.(MD)No.10760 of 2018

and

W.M.P(MD) .Nos.9858 and 9859 of 2018

06.06.2018

RMK

RAM/KKR/SAR 2/18.06.2018/3P/5C