



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2018

CORAM:

THE HON'BLE Mr. JUSTICE R.SUBBIAH
AND
THE HON'BLE Mrs. JUSTICE R.THARANI

W.P. (MD) No. 24209 of 2018
and W.M.P. (MD) Nos. 21897 and 21898 of 2018

Suzlon Power Infrastructure Ltd.,
Rep. by its Deputy Manager,
T. Madhevan Pillai

... Petitioner

Vs.

1. The District Collector,
O/o. District Collectorate Office,
Thoothukudi, Thoothukudi District.
2. The Deputy Director (Town and Country Planning),
O/o. Deputy Director (Town and Country Planning),
Tirunelveli Region,
South Bye pass road,
Tirunelveli, Tirunelveli District.
3. The Special Officer / Block Development Officer,
Ottapidaram,
Tuticorin District.
4. The Tahsildar,
O/o. the Tahsildar Office,
Ottapidaram,
Tuticorin District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari and Mandamus, calling for the records relating to the impugned order passed by the third respondent in his proceedings in Na.Ka.No.The3/5578/2018, dated 02.11.2018 and consequential order passed by the third respondent in his proceedings in Na.Ka.No.The3/5578/2018 dated 28.11.2018 and quash the same as illegal and consequently to direct the second respondent to pass suitable orders for grant of permission on the application dated 16.11.2017 submitted by the petitioner under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971, within the period that may be stipulated by this Court.

For Petitioner : Mr. M. Ajmal Khan, S.C. for Ajmal Associates
For Respondent : Mr. V. R. Shanmuganathan, Spl. G.P. for R1, 2 & 4
Mr. J. Gunasekaran Muthiah for R3

**ORDER**

(Order of the Court was made by **R. SUBBIAH, J.**)

WEB COPY This writ petition has been filed seeking a writ of Certiorari Mandamus calling for the records relating to the impugned order dated 02.11.2018 passed by the third respondent in his proceedings in Na.Ka.No.The3/5578/2018 and consequential order dated 28.11.2018 passed by the third respondent in his proceedings in Na.Ka.No.The3/5578/2018, and quash the same as illegal and direct the second respondent to pass suitable orders for granting permission on the application dated 16.11.2017 filed under Section 49 of the Tamil Nadu Town and County Planning Act, 1971, within a time frame.

2.The petitioner / Company has installed more than 2000 machines for producing electricity through wind energy projects in Tamil Nadu by obtaining permission from Tamil Nadu Electricity Board, Public Works Department and Highways Department and in Thoothukudi District, they are running 119 wind mill machineries. For which, the petitioner / Company has submitted an application on 16.11.2017 for obtaining permission to construct sub station in Survey Nos.85/2, 85/1 and 86/1B at Ottapidaram Village, Thoothukudi District. However, for want of additional documents, the same was returned vide proceedings dated 17.01.2018. Thereafter, the petitioner / Company has resubmitted a revised application with necessary documents to the Commissioner of Town and Country Planning, Chennai.

3.Be that as it may, the third respondent vide order dated 28.11.2018 in Na.Ka.No.The3/ 5578/2018 directed to close the sub station, observing that the sub stations were constructed without obtaining necessary permission from the authorities concerned. As against which, the petitioner / Company has filed an application under Section 49 of the Tamil Nadu Town and County Planning Act, 1971 on 16.11.2017 and resubmitted the same on 19.11.2018 before the second respondent. Challenging the impugned orders dated 02.11.2018 and 28.11.2018, the petitioner is before this Court with the present writ petition for the aforesaid relief.

4.The learned Senior Counsel appearing for the petitioner submitted that it is suffice if the retention application dated 16.11.2017, which was resubmitted on 19.11.2018 filed under Section 49 of the Tamil Nadu Town and County Planning Act, 1971, may be directed to be disposed of by the second respondent within a time frame.

5.Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1,2 and 4 and the learned Additional Government Pleader appearing for the third respondent.



6. In view of the above, this Court directs the second respondent to dispose of the retention application dated 16.11.2017, which was resubmitted on 19.11.2018 on merits and in accordance with law preferably within a period of eight weeks from the date of receipt of a copy of this order. Till the disposal of the said retention application, the respondents concerned shall maintain status quo as on date.

7. The Writ petition is disposed of accordingly. No costs. Consequently, connected W.M.Ps. are closed.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The District Collector,
O/o. District Collectorate Office,
Thoothukudi, Thoothukudi District.
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O/o. Deputy Director (Town and Country Planning),
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O/o. the Tahsildar Office,
Ottapidaram,
Tuticorin District.

+1cc to Mr/S. for Ajmal Associates Advocate in SR.No.99087

W.P. (MD) No.24209 of 2018
07.12.2018

NBJ
KK/RSK/SAR1/07.12.2018/3P/6C