

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 26.06.2018****CORAM :****THE HONOURABLE MR.JUSTICE C.T.SELVAM****And****THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED****W.P(MD)No.13495 of 2018****and W.M.P. (MD) No.12295 of 2018**

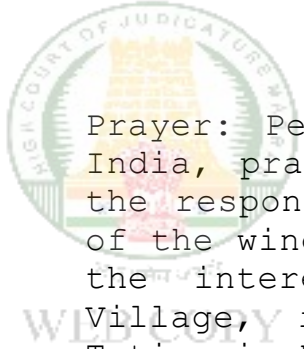
Thiaga Rajan

... Petitioner

vs.

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Chief Engineer,
Non Conventional Electricity Source (NCES),
TANGEDCO,
D.No.144, Annasalai,
Chennai.
- 3.The Superintending Engineer,
Non Conventional Electricity Source (NCES),
TANGEDCO,
Maharaja Nagar,
Tirunelveli.
- 4.The Assistant Director of Panchayat,
Tuticorin District,
Tuticorin.
- 5.The Block Development Officer,
Kayattar Panchayat Union,
Kayattar,
Tirunelveli District.
- 6.The Managing Director,
Ragen Powertech Private Limited,
No.2, KRM Plaza North Tower,
8th Floor,
Harrington Road,
Chetput,
Chennai - 31.

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents, to stop the construction, erection and operation of the wind mills without any regulations in order to safeguarding the interests of villagers in and around Therkku Mayilodai Village, in Kayattar Panchayat Union and Kayattar Taluk, in Tuticorin District.

For Petitioner : Mr.F.X.Eugene

For Respondents 1 to 4 : Mr.K.Chellapandian,
Additional Advocate General
Assisted by Mr.R.Sethuraman,
Special Government Pleader

For 5th Respondent : Mr.A.Thiyagarajan
Government Advocate

ORDER

(Order of the Court was made by C.T.SELVAM, J.)

By consent, Writ Petition itself, is taken up for final disposal.

2.Heard Mr.F.X.Eugene, learned counsel for petitioner, Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.R.Sethuraman, learned Special Government Pleader for respondents 1 to 4 and Mr.A.Thiyagarajan, learned Government Advocate for 5th respondent.

3. The Writ Petitioner seeks issuance of a Writ of Mandamus, directing the respondents, to stop construction, erection and operation of the wind mills without any regulations in order to safeguard the interests of villagers in and around Therkku Mayilodai Village, in Kayattar Panchayat Union and Kayattar Taluk, in Tuticorin District.

4. In brief, the apprehension of petitioner is damage to roads and other public utilities by setting up of wind mills in and around Therkku Mayilodai Village, in Kayattar Panchayat Union and Kayattar Taluk, in Tuticorin District. Such apprehension is diffused by collection of bank guarantee to the tune of Rs.1,00,00,000/- (Rupees One Crore only) by the 5th respondent from the sixth respondent.

5.Wind power generation is recognized as a need and one of the sources of eradicating/reducing deficit of electric power. Wind mills are permitted towards such purpose and safeguards are taken by the authorities concerned against damages owing thereto. It is not for this Court to decide the propriety or establishment



of the wind mills through entertainment of writ petition labelled as 'Public Interest Litigation'. Any particular instance of wrong doing by the wind mill operator may be brought to the notice of concerned authorities for remedial action. Of course, the authorities are required to act appropriately.

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6.The Writ Petition stands disposed of with the above observations. Consequently, connected Miscellaneous Petition stands closed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
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- 4.The Assistant Director of Panchayat,
Tuticorin District, Tuticorin.
- 5.The Block Development Officer,
Kayattar Panchayat Union,
Kayattar, Tirunelveli District.

+ 1 cc TO Mr.F.X.Eugene , Advocate in SR No. 70028
+ 1 cc TO The Special Government Pleader in SR No. 69994

sj

AE/PN/SAR1/18.07.2018/3P/8C