



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.19275 of 2017

and

W.M.P. (MD)No.15607 of 2017

P.Poopirati

: Petitioner

Vs.

1.The District Collector,
District Collectorate Office,
Korampallam,
Tuticorin,
Tuticorin District.

2.The Tuticorin Panchayat Union
Rep by the Commissioner Special Officer,
Tuticorin Panchayat Union,
Pudhukottai,
Tuticorin District.

3.M/s.Suzlan Gujarat Wind Park Ltd.,
No.5, Shrimali Society,
Near Shree Krishna Complex,
Navrungpura,
Ahmedabad,
Gujarat-380 009.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to forbear the respondent No.3 from installing any wind mill without obtaining permission from the respondent No.2.

For Petitioner	: Mr.T.Lajapathi Roy
For R1 & R2	: Mr.J.Gunaseelan Muthiah Additional Government Pleader
For R3	: Mr.T.Antony Arulraj

ORDER

The grievance of the petitioner that her representation dated 18.08.2017 seeking to forbear the third respondent from installing any wind mill without obtaining permission from the second respondent, 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 18.08.2017 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 third 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,
District Collector Office,
Korampallam,
Tuticorin,
Tuticorin District.
2. The Tuticorin Panchayat Union
Rep by the Commissioner Special Officer,
Tuticorin Panchayat Union,
Pudhukottai,
Tuticorin District.

+1cc to Special Government Pleader, SR.No. 72352
+1cc to M/S.T.Antony Arulraj, Advocate SR.No. 72166
+1cc to M/S.Ajmal Associates, Advocate SR.No. 72314

W.P. (MD) No. 19275 of 2017
10.07.2018

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