



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2018

CORAM :

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.20379 of 2017

and

W.M.P.(MD)Nos.16644 & 17102 of 2017

1.A.A.Samy

2A.Param Jothi

3.A.Sankaralingham

: Petitioners

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 Gujaraj 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 respondents Nos.1 and 2 to forbear the respondent No.3 from installing any wind mill without obtaining permission from the respondent No.2.

For Petitioners

: Mr.T.Lajapathi Roy

For R1

: Mr.J.Gunaseelan Muthiah

Additional Government Pleader

For R2

: Mr.T.S.Mohammed Mohideen

Additional Government Pleader

: Mr.M.Ajmalkhan, Senior Counsel

ORDER

The grievance of the petitioners that their representations dated 28.10.2017, 07.10.2017 and 31.07.2017 respectively, seeking to forbear the third respondent from installing any wind mill without obtaining permission from the second respondent, have not been considered by the respondents till date and therefore, they have filed the present Writ Petition.

2.This Court has not expressed any of its view with regard to the merits of the representations made by the petitioners. 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 petitioners' representations 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 petitioners' representations dated 28.10.2017, 07.10.2017 and 31.07.2017 respectively 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 petitioners 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 Petitions are closed. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-II)

To

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.



+1cc to M/S.T.S.Mohammed Mohideen, Advocate SR.No. 72123

+1cc to M/S.Ajmal Associates, Advocate SR.No. 72316

+1cc to Special Government Pleader, SR.No. 72350

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W.P. (MD) No.20379 of 2017
10.07.2018

gns

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