



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P.(MD)No.21572 of 2017andW.M.P.(MD)No.17842 of 2017

S.Patchaimal

: Petitioner

Vs.

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

2.The Commissioner/Block Development Officer,
Tuticorin Panchayath Union,
Pudhukottai,
Tuticorin District.

3.The Superintending Engineer,
Tuticorin Electricity Distribution Circle,
Ettayapuram Road,
Tuticorin.

4.Prakesh patel,
Green Infra Renewable Energy Limited,
5th Floor, Tower C, Building No.8,
DLF Cyber City, Gurugram,
Haryana-122002.

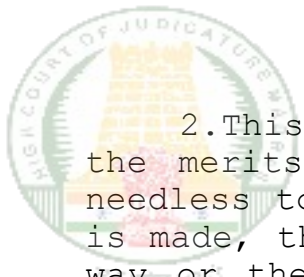
: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents to forbear the respondent No.4 from installing any wind mil without obtaining any permission from respondent No.2.

For Petitioner	: Mr.N.Sundareshan
For R1 & R3	: Mr.J.Gunaseelan Muthiah Additional Government Pleader
For R2	: Mr.T.S.Mohammed Mohideen Additional Government Pleader
For R4	: Mr.M.Ajmalkhan, Senior Counsel

ORDER

The grievance of the petitioner that his representation dated 24.10.2017 seeking to forbear the fourth respondent from installing any wind mil without obtaining any permission from second respondent, has not been considered by the respondents till date and therefore, he 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 24.10.2017 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 fourth 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,
Collector Office,
Korampallam,
Tuticorin.
- 2.The Commissioner/Block Development Officer,
Tuticorin Panchayath Union,
Pudhukottai,
Tuticorin District.
- 3.The Superintending Engineer,
Tuticorin Electricity Distribution Circle,
Ettayapuram Road,
Tuticorin.

+1cc to M/S.T.S.Mohammed Mohideen, Advocate SR.No. 72122
+1cc to M/S.N.Sundareshan, Advocate SR.No. 72187
+1cc to M/S.Ajmal Associates, Advocate SR.No. 72313
+1cc to Special Government Pleader, SR.No. 72351

W.P. (MD) No.21572 of 2017
10.07.2018