



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.22701 of 2017
and
W.M.P. (MD) No.18995 of 2017

Chelladurai.M.

: Petitioner

Vs.

1.The District Collector,
District Collectorate Office,
Tirunelveli District.

2.The Executive Engineer,
Public Works Department,
Chitharu Pirivu,
Kudirupu, Courtallam Road,
Tenkasi,
Tirunelveli District.

3.The Alangulam Panchayat Union Council
Rep by its Special Officer / Block Development Officer,
Alangulam Panchayat Union,
Alangulam Taluk,
Tirunelveli District.

4.M/s.Leit Wind Shriram Manufacturing Ltd.,
Rep. by its authorised signatory, Mr.J.Sriram,
Sigappi Achi,
Building 4th floor,
18/3, Rukmani Lakshmipathi Road,
Egmore, Chennai-600 008.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents No.1 to 3 to forbear the respondent No.4 from operating any wind mil in Survey No.5/5 situated at Naranapuram Village, Alangulam Taluk, Tirunelveli District without obtaining permission from the respondent No.3 within a time frame stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy

For R1 & R2

: Mr.J.Gunaseelan Muthiah

Additional Government Pleader

For R3

: Mr.T.S.Mohammed Mohideen

Additional Government Pleader

: Mr.T.Sakthi Kumaran

ORDER

The grievance of the petitioner that his representation dated 08.02.2017, seeking to forbear the fourth respondent from operating any wind mil in Naranapuram Village, Alangulam Taluk, Tirunelveli District without obtaining permission from the third 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 08.02.2017 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,
District Collectorate Office,
Tirunelveli District.

2.The Executive Engineer,
Public Works Department,
Chitharu Pirivu,
Kudirupu, Courtallam Road,
Tenkasi,
Tirunelveli District.



3.The Special Officer / Block Development Officer,
Alangulam Panchayat Union, Alangulam Panchayat Union Council,
Alangulam Taluk,
Tirunelveli District.

+1cc to M/S.T.S.Mohammed Mohideen, Advocate SR.No. 72124
+1cc to Special Government Pleader, SR.No. 72349

W.P. (MD) No.22701 of 2017
10.07.2018

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