



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.19293 of 2018
and W.M.P.(MD) Nos.17131 and 17706 of 2018

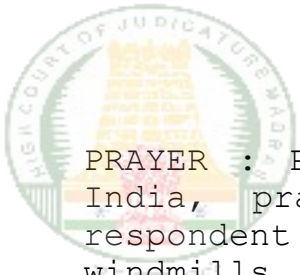
Murugan

... Petitioner

-vs-

- 1.The Chief Engineer,
Non Conventional Energy Sources (NCES),
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.
- 2.The Superintending Engineer,
Non Conventional Energy Sources (NCES),
Wind Energy Development Circle,
TANGEDCO,
Tirunelveli District.
- 3.The District Collector,
Collectorate,
Thoothukudi District.
- 4.The Superintendent of Police,
O/o. the Superintendent of Police,
Thoothukudi District.
- 5.The North Illanthaikulam Village Panchayat,
Rep. by the Executive Officer,
Kayathar Taluk,
Thoothukudi District.
- 6.The Executive Engineer,
Public Works Department,
Kovilpatti Division,
Thoothukudi District.
- 7.M/s.Suzlon Energy Limited,
No.104, First Floor Delta Wing Rahejatowers,
177, Annasalai,
Chennai,
Tamil Nadu - 600 002.

... Respondents



PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of mandamus, forbearing the respondent No.7 from installing the High Tension Wire Poles and windmills in the North Illanthaikulam Village, Kayathar Taluk, Thoothukudi District in survey Nos.307, 311, 326, 308/5A, 308/7, 32/1B, 32/1D, 33/12 and adjacent land to in survey No.177/13, 177/17C situated at North Illanthaikulam Village, Kayathar Taluk, Thoothukudi District.

For Petitioner : Mr.M.Prabhu

For Respondents 1 & 2 : Mr.G.Kasinathadurai

For Respondents 3 to 6 : Mr.N.Shanmugaselvam
Additional Government Pleader

For 7th Respondent : Mr.M.Ajmalkhan, Senior Counsel
for M/s.Ajmal Associates

O R D E R

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed on the premise that without obtaining permission from the local body, namely, Village Panchayat and Village Panchayat Union, installation has been made by the private respondent.

2.From the records it appears that earlier permission, though in a different form, has been obtained for use of road. Though there are contradictory views by two learned Single Judges regarding the need to get such permission, we are not inclined to go into the same.

3.Taking into consideration of the fact that the private respondent has already put up a wind mill, we permit it to make applications to the Commissioner, Kayathar Panchayat Union. As the said Commissioner is also in charge of the respondent No.5 apart from acting on behalf of the panchayat union, application can be made to the very same authority while making applications to Village Panchayat and Panchayat Union Counsel. As and when the applications are made, the Commissioner, Kayathar Panchayat Union shall process the same and take appropriate steps to grant permission in accordance with law. The needful will have to be done within two weeks from the date of receipt of a copy of this order.



4. With the above direction, this Writ Petition shall stand disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

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/True Copy/

Sd/-

Assistant Registrar (C.O)

Sub Assistant Registrar (CS-II)

sj

To

1. The Chief Engineer,
Non Conventional Energy Sources (NCES),
TANGEDCO,
No.144, Anna Salai,
Chennai - 600 002.
2. The Superintending Engineer,
Non Conventional Energy Sources (NCES),
Wind Energy Development Circle,
TANGEDCO,
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O/o. the Superintendent of Police,
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5. The North Illanthaikulam Village Panchayat,
Rep. by the Executive Officer,
Kayathar Taluk,
Thoothukudi District.
6. The Executive Engineer,
Public Works Department,
Kovilpatti Division,
Thoothukudi District.
7. The Commissioner,
Kayathar Panchayat Union,
Thoothukudi District.

<https://hcservices.ecourts.gov.in/hcservices/>

+1cc to Mr.M.Prabhu, Advocate in SR No.89853



+1cc to M/s.Ajmal Associates, SR No.89914
+1cc to Mr.G.Kasinathadurai, Advocate in SR No.90004
+1cc to Spl Government Pleader, SR No.90241

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NM/SKN/SAR II/16.10.18/4P/12C