



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.02.2018

CORAM:
THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.18052 of 2013

Surandai Nagara Makkal,
Podhunala Vizippunarvu Sangam,
Through its President P.Arumugam,
9/7/123, Sandhai Bazar Street,
Surandai, Tirunelveli District.

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Veerakeralampudur Taluk,
Tirunelveli.

3.The Superintending Engineer,
Non-conversional Energy Sources,
TANGEDCO, Maharaja Nagar,
Tirunelveli.

4.NEG Micon India Pvt. Ltd., (Infrastructure),
Represent by its Authorized Representation,
230/33, K.V.Sub-Station,
Veeranam-Karuvantha Post,
Veerakeralampudur Taluk,
Tirunelveli District.

... Respondents

PRAYER:This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner dated 25.07.2011 within the time fixed by this Court and remove the encroachment made in the Nilaviyal Odai situated in S.No.85/1, 2 and 3, Keela Veeranam Village, Veerakaralampudur Taluk, Tirunelveli District.

For Petitioner

: Mr.H.Arumugam

For Respondent Nos.1 to 3

: Mr.D.Muruganantham

Additional Government Pleader

For Respondent No.4

: Mr.F.X.Eugene



Heard Mr.H.Arumugam, the learned counsel appearing for the petitioner, Mr.D.Muruganantham, the learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.F.X.Eugene, the learned counsel appearing for the fourth respondent.

2.The petitioner is the Registered Association under the provision of the Tamil Nadu Societies Registration Act, 1975. The petitioner grievance appears to be against the fourth respondent, who has put up a Wind Energy Sub-Station used to transfer the electricity generated from non-conventional sources to State Grid. His grievances appears to be not to pull down the structure put up by the fourth respondent, but they would state that there is Nilaviyal Odai in Survey Nos.85/1,2 and 3 and on account of construction put up by the fourth respondent, the free flow of the water will be blocked as and when the water flows.

3.The learned Additional Government Pleader would submit that Survey Nos.85/1,2 and 3, Keela Veeranam Village, Veerakaralampudur Taluk, Tirunelveli District are classified as 'Rayathu punjai'. What is stated on behalf of the official respondents, is that the fourth respondent has put up the infrastructure facilities to serve the public purpose for tapping non conventional energy to be fed into the Tamil Nadu State Grid. They have constructed in the place allotted to them by the District Collector and the Electricity Board. In the light of the above factual position, we opine that the fourth respondent cannot be put to prejudice and therefore, we do not propose to issue any positive direction as sought for. However, the second respondent shall instruct his officer to ensure that there is no obstruction to free flow of water. It is also submitted by the learned Additional Government Pleader that the Superintending Engineer has given a letter stating that the revenue officer has inspected and there is no Odai. However, this issue will be taken care of by the Revenue official.

4.With the aforesaid observation, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Veerakaralampudur Taluk,
Tirunelveli.



3.The Superintending Engineer,
Non-conversional Energy Sources,
TANGEDCO, Maharaja Nagar,
Tirunelveli.

+1cc to Mr.H.ARUMUGAM,Advocate,SR.48537

+1cc to M/S.Special Government Pleader,SR.48945

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MRN/RMK

KK/KKR/SAR 4/06.03.2018/ 3P- 6C/