



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25735 of 2009

M.Paramagurusamy

... Petitioner

Vs.

1.Tamil Nadu Electricity Board
Rep. by its Chairman
Anna Salai
Chennai - 600 002.

2.The Superintending Engineer,
Tamil Nadu Electricity Board
Technical Section
Wind Farm
Udumalpet.

3.M/s.Sheela Clinic
Rep. by its Managing Partner,
Dr.B.P.Ganapathy

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 2nd respondent in its proceedings in Letter No.CE/NCES/SE/EE/WCB/AEE2/F, Sheela Clinic, WEG.No.83(U)/R.3662/D467/09 dated 19.09.2009 and quash the same.

For Petitioner : Mr.P.Valliappan

For Respondents : Mr.S.K.Rameshwar for R1 and R2
Mr.R.Jayaprakash for R3

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Certiorari calling for the records of the second respondent in its proceedings in Letter No.CE/NCES/SE/EE/WCB/AEE2/F, Sheela Clinic, WEG.No.83(U)/R.3662/D467/09 dated 19.09.2009 and to quash the same.



2.The petitioner is the neighbouring land owner of the third respondent. The third respondent prepare to install the wind mill in their land, if wind mill is installed it will adversely affect the petitioner's enjoyment of the property and he will not be able to get water from his well. On this apprehension, he made representation to the second respondent and since it was not considered, he filed W.P.No.18011 of 2009 before this Court and the said writ petition was disposed of by this Court on 08.08.2009 and directed the second respondent to consider the petitioner's representation. Thereafter, the second respondent rejected the petitioner's representation and permitted the third respondent to erect the wind mill. Aggrieved by the same, the petitioner has filed this writ petition.

3.Heard both sides.

4.It is represented that after filing of this writ petition, in the absence of interim order the third respondent has erected the wind mill and it is running for the past ten years. Hence, I do not find anything survives for adjudication in this writ petition.

5.The writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petitions, if any, are closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Chairman
Tamil Nadu Electricity Board
Anna Salai
Chennai - 600 002.

2.The Superintending Engineer,
Tamil Nadu Electricity Board
Technical Section
Wind Farm
Udumalpet.

+1cc to Mr.S.Sithirai Anandam, Advocate, SR.No.53019

+1cc to Mr.R.Jayaprakash, Advocate, SR.No.52112

W.P.No.25735 of 2009

Kak (30/07/2019)