

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.22231 of 2018
& WMP.Nos.27193 & 26059 of 2018

P.Balasubramaniam

.. Petitioner

Vs

1. The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO, Second Floor,
Eastern Wing,
Chennai-600 002.
 - 2.The Superintending Engineer,
Non-Conventional Energy Sources,
TANGEDCO, Kolumam Road,
Udumalpet-642 126
Tiruppur District
 - 3.The District Collector,
Tiruppur,
Tiruppur District.
 - 4.The Block Development Officer/Special Officer,
Kundamdham Panchayat Union,
Nandavanampalayam Village,
Dharapuram Taluk,
Tiruppur District.
 - 5.M/s.Continuum Wind Energy India Private Limited,
rep. by its Director,
South Wing, Fourth Floor,
Kakani Towers,
No.15, Khader Nawaz Road,
Nungambakkam,
Chennai-600 006.
- WEB COPY
-Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to forbear the respondent no.5 from erecting the wind mill comprised in S.No.3/2 situated at Nandhavanampalayam Revenue Village, Kungumampalayam, Dharapuram Taluk, Tiruppur District.

For Petitioner : Mr.K.Myilsamy

For Respondents: Mr.S.K.Raameshuwar, Standing Counsel
for R1 & 2
: Mr.N.Sakthivel, AGP for R3 & 4
: Mr.A.Thiagarajan, Sr.C for
Mr.K.Balaji for R5

ORDER

This writ petition has been filed seeking for issuance of a Mandamus directing the respondents 1 to 4 to forbear the respondent No.5 from erecting the wind mill comprised in S.No.3/2 situated at Nandhavanampalayam Revenue Village, Kungumampalayam, Dharapuram Taluk, Tiruppur District.

2. Although the learned counsel for the petitioner started arguing the matter vehemently, Mr.A.Thiagarajan, learned Senior Counsel appearing for the fifth respondent raising a preliminary objection on the maintainability of the writ petition submitted that the Division Bench of this Court has already passed an order in W.P.No.26001 of 2018 on the similar issue and the relief sought for in the said writ petition was about to be rejected. The said writ petition was allowed to be withdrawn. It is seen that the prayer sought for in the present writ petition and the prayer sought for in W.P.No.26001 of 2018, which was heard before the Division Bench of this Court are one and the same. It is mentioned that the petitioner in W.P.No.26001 of 2018 namely, T. Thirumalaisamy had unsuccessfully filed the above said writ petition seeking for issuance of a Mandamus directing the respondents 1 to 4 to forbear the respondent no.5 from erecting the wind mill comprised in S.No.3/2 situated at Nandhavanampalayam Revenue Village, Kungumampalayam, Dharapuram Taluk, Tiruppur District. Paragraph Nos.4 to 7 of the order passed by the Division Bench of this Court in W.P.No.26001 of 2018, are extracted hereunder:

''4. In W.P.No.22231 of 2018, on the directions of the writ Court, an Advocate Commissioner has visited the subject place at S.No.3/2, situated at Nandhavanampalayam Revenue Village, Kungumampalayam, Dharapuram Taluk, Tiruppur District on 10.09.2018 and submitted a report dated 24th September 2018, with photographs.

5.In the instant writ petition, the petitioner though claimed himself as a Public Interest Litigant, appears to be only vindicating the case of Mr.P.Balasubramaniam, petitioner in W.P.No.22231 of 2018.

6.Mr.M.Manohar, learned counsel for the petitioner seeks permission of this Court, to withdraw the writ petition and he has also made an endorsement to that effect.

7.In view of the endorsement made by the learned counsel appearing for the petitioner, instant writ petition is dismissed as withdrawn. No costs.'

3. In view of the above, this Court, considering the aforesaid order passed by the Division Bench, finds no merit in the present writ petition and the present writ petition is also liable to be dismissed as the same is bereft of any merit. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

dn Sub Assistant Registrar
To

1. The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO, Second Floor,
Eastern Wing, Chennai-600 002.
2. The Superintending Engineer,
Non-Conventional Energy Sources,
TANGEDCO, Kolumam Road,
Udumalpet-642 126
Tiruppur District
3. The District Collector,
Tiruppur, Tiruppur District.
4. The Block Development Officer/Special Officer,
Kundamdam Panchayat Union,
Nandavanampalayam Village,
Dharapuram Taluk, Tiruppur District.

+1 cc to Mr.K.Myilsamy, Advocate, S.R.No.40050

+1 cc to Mr.K.Balaji, Advocate, S.R.No.39485

W.P.No.22231 of 2018

PA(CO)
SSM(25/06/2019)