

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.08.2019

Coram:

THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.25885 of 2019

and

W.M.P.No.25335 of 2019

M.R.Kandasamy

.. Petitioner

/versus/

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
10th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai 600 002.

2.The Chief Engineer,
Non-Conventional Energy Sources,
TANGEDCO, 2nd Floor, Eastern Wing,
Chennai-600 002.

3.The Superintending Engineer,
Non-Conventional Energy Sources,
TANGEDCO, Kolumam Road,
Udaumalapet-642 126.
Tiruppur District

4.The District Collector,
Thiruppur District.

5.The Block Development Officer,
Special Officer, Kannivaadi, Panchayat Union,
Kannivadi Village,
Dharapuram Taluk,
Tiruppur District.

6.Spring Renewable Energy Private Limited,
Office 001, Level G.Pentagon,
P-5, Magarapatta City,
Hadapsar,
Pune- 411 013.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1 to 5 respondents forbearing the 6th respondent from erection of wind mills comprised in Survey No.457/1 situated at

Monganallampalayam, Erachapadi Post, Dharapuram Via, Tiruppur District.

For Petitioner :Mr.Karan and Uday

For Respondents:Mr.S.K.Rameshwar, st.c
for R1 to R3
Mr.N.Inbanathan, AGP for
R4 and R5

O R D E R

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.

2.Heard learned counsel appearing for the petitioner and learned standing counsel appearing for respondents 1 to 3 and learned Additional Government Pleader appearing for respondents 4 and 5.

3.The prayer in the writ petition is to issue a Writ of Mandamus directing respondents 1to 5 , forbearing the 6th respondent from erection of wind mills comprised in Survey No.457/1 situated at Monganallampalayam, Erachapadi Post, Dharapuram Via, Tiruppur District.

4. The grievance of the petitioner herein is that the wind mills project is under construction near his resident, which is contrary to the guidelines of the second respondent-TANGEDCO. The specific allegation made in the representation of the petitioner herein is that the proposed windmill unit is within the prohibited distance of 500 metres of dwelling unit, which is contrary to V(v) of guidelines for Development of Onshore Wind Power Projects issued by the Ministry of New and Renewable Energy.

5. It is contended by the petitioner that on 26.07.2019, a representation was given to all the authorities. Whereas this Court finds that the representation has been served to the Collector and Block Development Officer but not to TANGEDCO.

6. From the records, this Court finds that though the permission has to be granted by the Revenue authorities, the compliance of the provisions regarding erection of wind mill has to be ascertained by the TANGEDCO. Hence, the petitioner is hereby directed to give a fresh representation to the respondents. On receipt of the representation, the respondents are hereby directed to dispose of the representation of the petitioner, within a period of four weeks from the date

of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

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+1 CC to Mr.S.K.Rameshwar, Advocate sr 75902
+1 CC to M/s. Karan and Uday, Advocate sr 75319.
+1 CC to Govt. Pleader sr 76166.

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SP(26/09/2019)