

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.32320 of 2019
and W.M.P.No.32606 of 2019

M/s.K.S.Wind and Renewables India Private Limited.,
Represented by its Manager, Mr.Kumar,
Visalakshi Street, Aiswarya Garden,
Goparasanallur, Poonamallee,
Chennai-600 056.Petitioner

/versus/

- 1.The Collector,
Office of the Collectorate,
Tirupur District, Tamil Nadu.
- 2.The Collector,
Office of the Collectorate,
Karur District, Tamil Nadu.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Tirupur District, Tamil Nadu.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Karur District, Tamil Nadu.
- 5.M/s.Sprng Energy Private Limited,
201, Level 2, Pentagon P-2, Magarpatta City,
Hadapsar, Pune-411 013.
- 6.M/s.Sprng Renewable Energy Pvt.Ltd.,
201, Level 2, Pentagon P-2, Magarpatta City,
Hadapsar, Pune-411 013.
- 7.M/s.Nordex India Private Limited,
Rep.by its Directors
C1-001, Tower C "The Millenia" 1 & 2,
Murphy Road, Ulsoor, Bangalore-560008.
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to provide the consent to the petitioner company in accordance with the Works of Licenses Rules 2006 under the Electricity Act 2003 and Guidelines of the Ministry of Power, Government of India dated 15.10.2015 and to fix the compensation to the concerned land owners in pursuant to the representations dated 08.07.2019 and 08.11.2019 sent by the petitioner company.

For petitioner : Mr.Kanimozhi Mathi

For Respondents : Mr.N.Inbanathan,
AGP for R1 to R4

O R D E R

The grievance of the petitioner is that being a private operator, generating the power through wind mills, he has to install High Tension towers in the private land to transport electricity. Since there are objections by some of the land owners, he has sought for removal of objection and grant of enter upon permission from the District Collector as contemplated under Section 16 of the Indian Telegraphy Act. His applications dated 08.07.2019 and 08.11.2019 yet to be considered by the District Collector. As a result, the project has come to stand still, hence seeks Mandamus to direct the 2nd respondent to consider the representation.

2. The learned Additional Government Pleader appearing for the District Collector, Tiruppur would submit that some of the land owners have objected erecting the electrical towers in their land and the writ petitions were also filed in this connection. This Court has passed orders to the District Collector. Now the petitioner herein has sought for enter upon permission and fix compensation, which is under consideration by the District Collector. He also reports that after affording personal hearing to the petitioner and other parties concerned, appropriate orders will be passed in due course.

3. Recording the same, this writ petition is disposed with a direction to the District Collector to consider the representations of the petitioner in the light of objections of the land owners and other stake

holders and to pass appropriate orders in accordance with law preferably within a period of eight weeks from the date of receipt of this order copy. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The Collector,
Office of the Collectorate,
Tirupur District, Tamil Nadu.
- 2.The Collector,
Office of the Collectorate,
Karur District, Tamil Nadu.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Tirupur District, Tamil Nadu.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Karur District, Tamil Nadu.

+1cc to M/s.Kanimozhimathi, Advocate Sr.97532
+1cc to the Government Pleader Sr.98058

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bp[co]
srg 08/01/2020