



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P.(MD)Nos.7111, 7315, 7317 to 7319, 7321, 7322 & 7324 of 2020 and

W.M.P.(MD)Nos.6555, 6765 to 6770 & 6772 of 2020

CLP Wind Farm (India) Private Limited,
No.7th Floor, Fulcrum Sahar Road,
Andheri East Mumbai - 400 099.

... Petitioner in all
Writ Petitions

Vs.

The President,
Jangalpatti Panchayat,
Theni District.

... Respondents in all
Writ Petitions

Common Prayer: Writ petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the respondent, pertaining to the order vide Na.Ka.Windmill/Tax/2012-13 dated 13.05.2020 and quash the same.

For Petitioner	: Mr.Srinath Sridevan
For Respondent	: Mr.D.Muruganantham, Additional Government Pleader.

C O M M O N O R D E R

Heard the learned counsel on either side. With their consent, this writ petition is taken up for final disposal at the admission stage itself.

2. All these writ petitions have been filed by the CLP Wind Farm(India) Private Limited, No.7th Floor, Fulcrum, Sahar Road, Andheri East, Mumbai - 400 099. The respondent in all these writ petitions is also one and the same.

3. The petitioner is engaged in the business of owning and operating wind mills. The petitioner has as many as eight wind energy generators within the jurisdictional limits of the respondent Panchayat. The respondent Panchayat had issued as many as 8 demand notices calling upon the petitioner to make payment of certain sums of money. Each demand notice comprises two parts. One part pertains to building planning/approval fees and the other is towards House Tax.

4. Though a number of contentions have been raised in the affidavits filed in support of these writ petitions, the learned
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counsel appearing for the petitioner states that the impugned orders are *prima facie* violative of the principles of natural justice.

5. I specifically called upon the learned Standing counsel appearing for the respondent Panchayat to draw my attention to any notice issued by the respondent before raising the impugned demand. The learned Standing counsel who is duly instructed by the respondent is not in a position to draw my attention to any such prior notice. In the impugned demands also, there is no reference to any prior notice. The demands are rather peremptory in nature and they have been straightaway raised. Therefore, there cannot be any difficulty in coming to the conclusion that the impugned demands are violative of the principles of nature justice.

6. On this sole ground, I am setting aside the impugned notices. The matters are remitted to the file of the respondent with liberty to pass order afresh in accordance with law.

7. With this liberty to the respondent, the writ petition stands allowed. I also make it clear that I have not gone into the substantive aspects of the matter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The President,
Jangalpatti Panchayat,
Theni District.

W.P. (MD) No. 7111 of 2020 & batch
09.07.2020

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