



WEB COPY

W.A.(MD)No.1061 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.12.2020

CORAM

THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN

AND

THE HON'BLE Mr. JUSTICE B.PUGALENDHI

W.A. (MD)No.1061 of 2016

and

C.M.P. (MD)No.6387 of 2016

Against

WP (MD)No.9347 of 2016

M/s.Suzlon Energy Ltd.,
No.104, 1st Floor,
Delta Wing,
Raheja Towers,
No.177, Annasalai,
Chennai.

.. Appellant/9th Respondent

Vs.

1.P.Muthiah Pandian

...1st Respondent/Petitioner

2.The Chief Engineer,
Non-Conventional Energy Sources (NCES),
TANGEDCO,
No.144, Annasalai,
Chennai.

3.The Chairman,
Tamil Nadu Pollution Control Board,
Guindy,
Chennai.

4.The District Collector,
Tirunelveli District,
Tirunelveli.

5.The District Environment Board,
No.30/2, Sipco Campus,
Pettai,
Tirunelveli District.

6.The Executive Engineer,
Non-Conventional Energy Sources (NCES),
TANGEDCO, Arignar Anna Buildings,
Maharaja Nagar,
Tirunelveli,
Tirunelveli District.

<https://hcservices.ecourts.gov.in/hcservices/>



7.The President,
Moovirunthali 2nd Grade Panchayat,
Sankarankovil Taluk,
Tirunelveli District.

8.The Inspector of Police,
Thevarkulam Police Station,
Tirunelveli District.

9.M/s.Eveready Textiles,
Wind Farm,
No.16, (Old No.23),
Jothi Theatre Road,
Tiruppur - 641 601.

10.Panchayat Union Council,
Rep. by its Chairman,
Melaneelithanallur Union,
Sankarankovil Taluk,
Tirunelveli District.

.. Respondents

[10th respondent is impleaded vide order
dated 01.07.2016, made in C.M.P.(MD)
No.6484/2016 in W.A.(MD)No.1061/2016]

Writ Appeal filed under Clause 15 of the Letters Patent,
against the order dated 19.05.2016, passed in W.M.P.(MD)No.7403 of
2016 in W.P.(MD)No.9347 of 2016.

Prayer in WMP(MD) . 7403 of 2016 :

To pass an order of Interim Direction, directing the
respondents No.1 to 7 to forbear the Respondents No.8 and 9 or their
men or agents or any persons claiming right through them, from
installing and commissioning wind mills in Survey nos.92/15 and 91/6
situated at Moovirunthali Village, Sankarankovil Taluk, Tirunelveli
District, pending disposal of the above Writ Petition.

Prayer in WP(MD) . 9347 of 2016 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of
Mandamus forbearing the 8th and 9th respondents from installing High
Tension wire poles and wind mills nearby Petitioners agricultural
land in Survey Njos. 92/14A and 92/14D, situated at Moovirunthali
village, Tirunelveli District, consequently direct the respondents
to issue suitable directions to the respondents 1 to 5 not to grant
any permission to erect any wind mill nearby agricultural lands of
the petitioner in Survey Nos. 92/14 and 92/14 D, situated at
Mooviruthali Village, Tirunelveli District.



For Appellant : Mr.S.Anwar Sameem
For R1 : No Appearance
For R2 and R6 : Mrs.S.Srimathy
Special Government Pleader
For R3 : Mr.Kasirajan
For R7 : Mr.M.Rajarajan
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by N.KIRUBAKARAN, J.)

This Writ Appeal has been filed by the appellant, against order dated 19.05.2016, passed in W.M.P.(MD)No.7403 of 2016 in W.P.(MD) No.9347 of 2016.

2. The first respondent herein has filed the writ petition for issuance of a Writ of Mandamus, forbearing the respondents 8 and 9 from installing High tension wire poles and wind mills near his agricultural land in Survey Nos.92/14A and 92/14D, situated at Moovirunthali Village, Tirunelveli District, and also a consequential direction to the respondents 1 to 5 not to grant any permission to erect any wind mill near the agricultural lands of the first respondent in the above said survey numbers. In the said writ petition, an interim direction has been granted, directing the respondents 1 to 7 to forbear the respondents 8 and 9 from installing or commissioning wind mills in Survey Nos.92/15 and 91/6, at Moovirunthali Village, Sankarankovil Taluk, Tirunelveli District, against which, the present Writ Appeal has been filed.

3. We have heard the learned counsel appearing for the parties and perused the materials available on record.

4. The prayer sought for in the writ petition as well as the relief sought for in the miscellaneous petition are one and the same. Granting of such an interim order would amount to allowing the writ petition itself. Therefore, the interim order is not sustainable. Hence, the interim order dated 19.05.2016, passed in W.M.P.(MD)No.7403 of 2016 in W.P.(MD)No.9347 of 2016, stands vacated and the Writ Appeal is allowed with a request to the learned Single Judge to dispose of W.P.(MD)No.9347 of 2016, at the earliest. It is made clear that this Court has not expressed any opinion on the merits of the pending Writ Petition. No costs. Consequently, connected Miscellaneous Petition is closed.

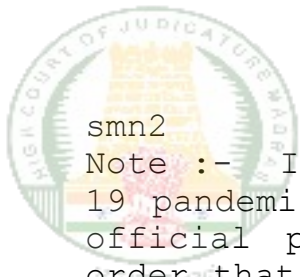
Sd/-

Assistant Registrar (CS-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

- 1.The Chief Engineer,
Non-Conventional Energy Sources (NCES),
TANGEDCO,
No.144, Annasalai,
Chennai.
- 2.The Chairman,
Tamil Nadu Pollution Control Board,
Guindy,
Chennai.
- 3.The District Collector,
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- 5.The Executive Engineer,
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- 6.The President,
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- 8.The Chairman,
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Melaneelithanallur Union,
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+1 CC to Mr.T.ANTONY ARUL RAJ, Advocate (SR-24081[F] dated 04/12/2020)

W.A.(MD)No.1061 of 2016
02.12.2020