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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.03.2022

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.1638 of 2018
and
W.M.P.No.2054 of 2018

M.Ahamed,
Special Officer cum Block Development Officer,
Gudimangalam Block,
Tiruppur District.

...Petitioner

-Versus-

1. The Chairman,
TANGEDCO / TNEB,
10th Floor NPKRR Maaligai,
144, Annasalai,
Chennai 600002.
2. The Superintending Engineer,
Non-conventional Energy,
Kolumam Road,
Udumalpet, Tiruppur District.
3. The Superintending Engineer,
Wind Farm Project,
Kolumam Road,
Udumalpet, Tiruppur District.
4. The Superintending Engineer,
Udumalpet Electricity Distribution Circle,
Udumalpet, Tiruppur District.
5. M/s.R R B Energy Ltd.,
182/2, By-Pass Road.
Ponnmalli, Chennai 600056.
6. M/s.NSP Knitting Mills,
9 (A), M.G.R. Nagar,
P.N.Road, Kangayam,
Tiruppur District - 641602.



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7. M/s.K.M.Knitwear,
14-E, F, Lakshmi Nagar,
First Street, City Garden,
Tiruppur District.
8. M/s.Adarsh Knitwear (P) Ltd.,
1/H-9, Thanneer Panthal Colony,
Anupparpalayam Post,
Avinashi Road,
Tiruppur District 641652.
9. M/s.Thangamman Process,
Vadugan Thottam,
Kasipalayam,
Vijayapuram Post,
Tiruppur District-641606.
10. M/s.Gomathy Spinning Mills India (P) Ltd.,
No.360, Umachivalasu,
Sundakampalayam (PO),
Kunnathur-638103.
11. M/s.Dhanalakshmi & Company,
Krishnaswamy Towers,
172, Dr.Rajendra Prasad Road,
Tatabad, Coimbatore 641012.
12. M/s.Anamallais Agencies,
Madurai Pvt. Ltd.,
Krishnaswamy Towers,
172, Dr.Rajendra Prasad Road,
Tatabad, Coimbatore 641012.
13. M/s.Coimbatore Anamalais Agencies (P) Limited,
Krishnaswamy Towers,
172, Dr.Rajendra Prasad Road,
Tatabad, Coimbatore 641012.
14. M/s.ARC Parcel Services Pvt. Ltd.,
Krishnaswamy Towers,
172, Dr.Rajendra Prasad Road,
Tatabad, Coimbatore 641012.
15. M/s.Sarveshwara Mills India Pvt. Ltd.,
Krishnaswamy Towers,
6/161, Chettipalayam Road,
Rangasamuthram,
Palladam-641664.

...Respondents



Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 2 to 4 forthwith take suitable action by forbearing the respondents from in any way operating the Wind Mill or generating and supplying the Wind Energy to the power grid maintained by the respondents 5 to 15 vide Service No.U2229, U2228, U2227, U2226, U2225, U2224, U2223, U2220, U2219, U2218, U2217 within the limits of Ponneri and Pukkulam Panchayat jurisdiction, Tiruppur District, without obtaining permission from the Competent authority in terms of the Tamil Nadu Panchayat Act, 1994 and the rules framed thereunder.

For Petitioner	: Mr.N.Umapathi
For Respondent(s)	: Mr.Abul Kalam, Standing Counsel for RR1 to 4 Mr.S.P.Parthasarathy for RR6, 8 to 10 Mr.V.P.Sengottuvel for RR11 to 14 Mr.M.Saravanakumar for RR7 and 15

ORDER

This writ petition has been filed seeking a mandamus directing the respondents 2 to 4 to forthwith to take suitable action by forbearing the respondents from in any way operating the Wind Mill or generating and supplying the Wind Energy to the power grid maintained by the respondents 5 to 15 vide Service Nos.U2229, U2228, U2227, U2226, U2225, U2224, U2223, U2220, U2219, U2218, U2217 within the limits of Ponneri and Pukkulam Panchayat jurisdiction, Tiruppur District, without obtaining permission from the Competent authority in terms of the Tamil Nadu Panchayat Act, 1994 and the rules framed thereunder.

2.The petitioner is the Special Officer cum Block Development Officer, Gudimangalam Block of Tiruppur District. The grievance of the petitioner is that the respondents 5 to 15 have been operating Wind Mills within the jurisdiction of the petitioner's panchayat union without obtaining necessary permission from the panchayat union. Further, according to the petitioner, the Wind Mills come under the purview of The Factories Act and therefore, the respondents ought to have obtained permission from the panchayat union.

3.The respondents 11 to 14 have filed counter affidavit opposing the writ petition.



4. The learned counsel appearing for the respective private respondents submitted that the wind mills are being operated for more than 10 years. That apart, as per the notification issued by the authorities including the Central Government, the Wind Mills will not come under the purview of the Factories Act, 1947.

5. Be that as it may, considering the facts and circumstances of the case does not want to go into the merits of the case at this point of time, as admittedly, the wind mills have been put into operation long back, wind energy is being generated and supplied to TANGEDCO, and if at all the petitioner feels that the respondents 5 to 15 have violated the provisions of The Tamil Nadu Panchayats Act, he can very well take action against them and he cannot maintain the present writ petition against respondents 1 to 4.

In the result, this writ petition is dismissed, however, it is always open to the petitioner to take appropriate action in accordance with law. No costs. Consequently, connected MP stands closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
TANGEDCO / TNEB,
10th Floor NPKRR Maaligai,
144, Annasalai, Chennai 600002.
2. The Superintending Engineer,
Non-conventional Energy,
Kolumam Road, Udumalpet,
Tiruppur District.
3. The Superintending Engineer,
Wind Farm Project, Kolumam Road,
Udumalpet, Tiruppur District.
4. The Superintending Engineer,
Udumalpet Electricity Distribution Circle,
Udumalpet, Tiruppur District.

Writ Petition No.1638 of 2018

PMK(CO)
RGA(12/04/2022)