



W.P.(MD) Nos.6156 of 2013 etc. batch

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)Nos.6156 to 6169 of 2013

and

Connected Miscellaneous Petitions

W.P.(MD)No.6156 of 2013

M/s.TVS Wind Power Limited,

Jayalakshmi Estates,

No.29, Haddows Road, Chennai-6.

... Petitioner

-Vs-

1.The Government of Tamilnadu,

Rep by Secretary to Government,

Rural Development and Local Administration,

Fort St.George, Chennai-9.

2.The District Collector,

Theni District, Theni.

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3.The Director-Project,
Tamilnadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai, Chennai-2.

4.The Block Development Officer,
Panchayat Union, Theni.

5.The President,
Seelayampatti Panchayat,
Theni District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 5th respondent herein in the impugned notice dated 28.07.2012 and quash the same and consequently, to forbear the respondents herein from in any manner interfering with or dismantling or interrupting functioning of the Wind Turbine Generators erected by the petitioner in Survey No.162/3A(P) and 162/3B(P) of Seelayampatti Village, Seelayampatti Panchayat pursuant to the proceedings of the 5th respondent herein dated 28.07.2012.

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For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel for M/s.AL.Gandhimathi
For R1 to R3 : Mr.S.P.Maharajan,
Special Government Pleader

COMMON ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

These Writ Petitions have been filed challenging the notices issued by the President of the Panchayat, Theni, the respondent concerned.

2.The impugned notices state that the petitioners have installed Wind Energy Generators within the limits of Seelayampatti Panchayat, for which they have to obtain permission under Section 2(1)A of the Tamil Nadu Panchayat Act, 1994 and they also liable to pay taxes therefor under Rule 16 of the Tamil Nadu Village Panchayat Assessment and Collection of Taxes Rules, 1999. Therefore, the President of the Panchayat called upon the petitioners either to pay taxes or to show cause as to why such taxes not to be collected from the petitioners

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within 15 days, failing which, distraint warrant will be issued for recovery.

According to the petitioners, they have filed objections to the impugned notices, which are yet to be considered.

3.Today, when the matter was taken up for hearing, the learned Special Government Pleader for the official respondents submitted that the objections filed by the petitioners would be considered on merits and after affording them sufficient opportunity of personal hearing, necessary orders would be passed, within a time frame.

4.At this juncture, the learned Senior Counsel for the petitioners submitted that the petitioners want to file their further objections to the impugned notices issued by the respondent concerned.

5.In view of the above, without going to the merits of the case, to give a quietus to the issue, we permit the petitioners to file their further objections along with the documentary evidences, if any, to the authorities concerned



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within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity of personal hearing to the petitioners to putforth their case. Such an exercise shall be completed within a period of twelve (12) weeks thereafter.

6. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] & [J.S.N.P., J.]

15.11.2022

Index : Yes / No

Internet : Yes / No

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To

1. The Secretary to Government,
Government of Tamilnadu,
Rural Development and Local Administration,
Fort St. George, Chennai-9.

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