



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4420 of 2022

and

W.M.P. (MD)No.3729 of 2022

C.Tamil Selvan
represented by his wife and Power of Attorney,
V.Anantha Jothi ... Petitioner

vs.

- 1.The Chief Engineer,
Non Convention Energy Source,
Tamil Nadu Generation and Distribution
Corporation, 2nd Floor, Eastern Wing,
NPKRR Maaligai, 144, Anna Salai,
Chennai - 600 002.
- 2.The Superintending Engineer,
Non Convention Energy Source,
Tamil Nadu Generation and Distribution,
Maharaja Nagar, Tirunelveli -11.
- 3.The Executive Engineer,
Non Convention Energy Source,
Tamil Nadu Generation and Distribution,
Maharaja Nagar, Tirunelveli - 11.
- 4.The Assistant Engineer,
Non Convention Energy Source,
Tamil Nadu Generation and Distribution,
Maharaja Nagar, Tirunelveli - 11.
- 5.M/s.Narasu's Spinnin Mills,
represented by its Managing Partner,
V.Pranav, Salem District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 4 to instruct the fifth respondent to comply with the rules and regulations as framed by the TANGEDCO IN CMD NO.469 dated 09.11.2018 in erecting wind mill in Survey No.1120/4C1 situated at Levenjupuram Village, Radhapuram Taluk, Tirunelveli District forthwith.



For Petitioner :Mr.S.Palani Velayutham
For R1 to R4 :Mr.S.Deenadhayalan
For R5 :Mr.M.Subash Babu

O R D E R

WEB COPY This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to instruct the fifth respondent to comply with the rules and regulations as framed by the TANGEDCO IN CMD NO.469 dated 09.11.2018 in erecting wind mill in Survey No.1120/4C1 situated at Levenjupuram Village, Radhapuram Taluk, Tirunelveli District.

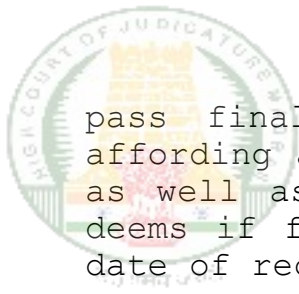
2.Heard Mr.S.Palani Velayutham, learned Counsel for the petitioner, Mr.S.Deenadhayalan, learned Standing Counsel, who takes notice on behalf of R1 to R4 and Mr.M.Subash Babu, learned Counsel, who takes notice on behalf of the fifth respondent.

3.Even though in the Writ Petition, a positive direction has been sought for, the learned Counsel for the petitioner, on instructions, would submit that the petitioner will be satisfied, if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner.

4.The petitioner has given a representation on 21.02.2022 to the official respondents calling upon them to take action against the fifth respondent for not complying with the rules and regulations as framed by the TANGEDCO IN CMD NO.469 dated 09.11.2018 in erecting wind mill in Survey No.1120/4C1 situated at Levenjupuram Village, Radhapuram Taluk, Tirunelveli District. Admittedly, the said representation has not been considered till date.

5.No prejudice will be caused to the official respondents, if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties including the fifth respondent, who will be aggrieved by any action taken in respect of the alleged violation.

6.Accordingly, this Court directs the fourth respondent to consider the petitioner's representation, dated 21.02.2022 requesting the fourth respondent to take action against the fifth respondent for the alleged non compliance of the rules and regulations as framed by the TANGEDCO IN CMD NO.469 dated 09.11.2018 while erecting wind mill in Survey No.1120/4C1 situated at Levenjupuram Village, Radhapuram Taluk, Tirunelveli District, and



pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the fifth respondent as well as any other necessary party, whom the fourth respondent deems fit to enquire, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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TO

1. The Chief Engineer,
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Tamil Nadu Generation and Distribution
Corporation, 2nd Floor, Eastern Wing,
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4. The Assistant Engineer,
Non Convention Energy Source,
Tamil Nadu Generation and Distribution,
Maharaja Nagar, Tirunelveli - 11.

+1CCtoM/s.S.PALANI VELAYUTHAM, Advocate (SR-11937[F] dated 14/03/2022)

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-12237[F] dated 15/03/2022

+1CCto M/s.S.DEENADHAYALAN, Advocate (SR-12313[F] dated 15/03/2022)

Order made in
W.P. (MD)No.4420 of 2022
11.03.2022

PKP/22.03.2022/3P/8C

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