



W.P.(MD)No.13020 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **08.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.13020 of 2022 and
WMP(MD).No.9233 of 2022

N.Pasupathi

.. Petitioner

Vs

1.The Director,
Generation,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai,
Chennai – 600 002.

2.The Chief Engineer,
(Non Conventional Energy Sources),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.144, Anna Salai,
Chennai – 600 002.

3.The Superintending Engineer,
(Non Conventional Energy Sources),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Tirunelveli.



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4.The Executive Engineer,
(Non Conventional Energy Sources),
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Tirunelveli.

5.N.Rajagopal @ Muppudathi

6.Sarjan Realities Private Limited,
No.285/10, Koregaon Park,
Behind Singh Motors,
Near Gulmohar Jupiter,
Pune – 411 001.

7.Sun Street Solar Private Limited,
No.401, 4th Floor,
Shree Gurur Harikrishna Bhavan,
Charat Singh Colony,
A.K.Road, Andheri East,
Mumbai, Maharashtra – 400 093.

8.CSE Deccan Solar Private Limited,
No.401, 4th Floor,
Shree Gurur Harikrishna Bhavan,
Charat Singh Colony,
A.K.Road, Andheri East,
Mumbai, Maharashtra – 400 093.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to suspend the conditional NOC and to stop the commissioning of the solar power plant of the respondent Nos.7 and 8 in the property in S.No.231 situated at Mela Ilanthaikulam Village, Manur Taluk, Tirunelveli District by considering the petitioner's representation dated 25.05.2022.



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For Petitioner : Mr.A. Robinson
For R1 to R4 : Mr.S.Deenadhayalan
Standing Counsel
For R7 and R8 : Mr. H. Lakshmi Sankar

ORDER

The present Writ Petition has been filed by the Writ Petitioner seeking a Writ of Mandamus, directing the official respondents 1 to 4 to cancel the conditional “No Objection Certificate” issued to the respondents 7 and 8 for commissioning a solar power plant, which is located in S.No.231 situated at Mela Ilanthaikulam Village, Manur Taluk, Tirunelveli District. In order to cancel the said “No Objection Certificate”, the petitioner has also sent a representation, dated 25.05.2022.

2. The typed set of papers filed along with this Writ Petition indicate that “No Objection Certificate” has been granted by the first respondent herein in favour of the respondents 7 and 8 by way of a detailed order in March 2022. Without challenging the said “No



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Objection Certificate”, Mandamus cannot be issued directing the authorities to cancel the “No Objection Certificate”.

3. According to the learned counsel for the petitioner, there various illegalities and infirmities in granting “No Objection Certificate” in favour of the respondents 7 and 8 herein.

4. However, unless the “No Objection Certificate” issued to the respondents 7 and 8 herein is challenged in a manner known to law, the validity or invalidity of the said order cannot be considered by this Court. Hence, the Writ Petition stands dismissed granting liberty to challenge the “No Objection Certificate” granted by the respondents 1 to 4 in favour of the respondents 7 and 8 herein. No costs. Consequently, the connected Miscellaneous Petition is closed.

08.07.2022

Index: Yes/No
Internet : Yes/No
trp



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R.VIJAYAKUMAR, J.

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