



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.19327 of 2021

Pradeep Hiremath

... Petitioner

Vs

1.The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police (In-charge),
Sankaralingapuram Police Station,
Thoothukudi District.

3.Kanagaraj

4.C.Thiruvandi ... Respondents
(R - 4 impleaded vide order dated 09.02.2022
made in WMP(MD)No.17649 of 2021)

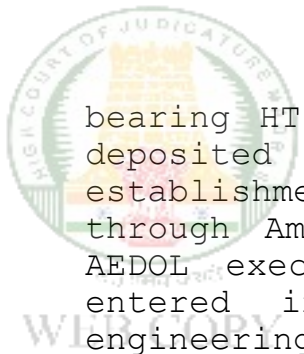
PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to give adequate police protection to the petitioner's employees for completing their project work at Kumarasithanpatti Village to Nagalapuram Sub Station, Thoothukudi District, on the basis of the petitioner's complaint, dated 06.10.2021.

For Petitioner	:	Mr.J.Jeyakumaran
For RR 1 & 2	:	Mr.B.Thanga Aravindh Government Advocate (Crl. Side)
For R - 4	:	Mr.R.Anand

ORDER

This Writ Petition has been filed for issuance of a writ of Mandamus, directing the respondents to provide adequate police protection to the petitioner's employees for completing their project work at Kumarasithanpatti Village to Nagalapuram Sub Station, Thoothukudi District, on the basis of the petitioner's complaint, dated 06.10.2021.

2. The case of the petitioner is that the TANGEDCO has approved the establishment of 2 MW Solar PV power plant at Survey No.210/2A, 210/2B, 208/1, 209/1 and 209/2 of Kumarasithanpatti Village, Vilathikulam, Thoothukudi District for wheeling of power to M/s.Ambur Tannery Effluent Treatment Company Limited (AMBURTEC) Thuthipet Sector, Periyavarikam Village, Ambur, Vellor District

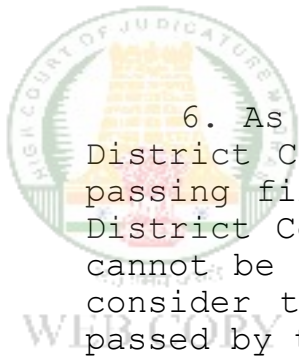


bearing HT/SC No.089094130071. In view of the approval, they have deposited a sum of Rs.20 lakhs as security deposit for the establishment of solar power plant. They have called for upon tender through Ambur Economic Development Organization. The first party AEDOL executed an agreement with M/s.VANITEC. M/s.AMBURTEC have entered into an agreement with the petitioner for design, engineering supply, erection and commissioning of 2 MW (SC) solar power plant capable of supplying electrical power at minimum 3.6 million KWH per year at the generation point for AMBUR TEC, Thuthipet Sector (CETP), Ambur in Tender No.21 of 2019. After permission from the Central and State Government, the petitioner have erected solar panels and transmission lines in Kumarasithanpatti Village, Vilathikulam Thoothukudi District. The project work for the erection of plant was completed and the power supply ought to have been generated and transmitted through transmission lines.

3. While so, the third respondent herein filed a Writ Petition before the Division Bench of this Court in W.P(MD)No.15732 of 2021, challenging the order of the Divisional Engineer, Highways Department, dated 12.07.2021 and also sought for a direction to erect electrical poles and transmit heavy voltage electric HT line in an alternative route. However, the said Writ Petition was dismissed, by order dated 03.09.2021. While dismissing the Writ Petition, the Division Bench of this Court observed that "a perusal of the impugned order, it could be seen that the Divisional Engineer, Highways Department has given permission to the project manager, U.Solar Energy Solutions Private Limited to lay electric pole only in the extreme boundary of the road and not in any private property. Apart from in the impugned order, as many conditions have been imposed by the Divisional Engineer, Highways Department for the safety of the general public". Again one another Writ Petition was filed before the Honourable First Bench of this Court by the impleading petitioner/fourth respondent herein for direction directing the revenue officials to pass appropriate order to remove the unauthorized poles erected in their own newly aligned route Nagalapuram Village, Pudur, Vilathikulam Taluk, Thoothukudi District.

4. The Honourable First Bench of this Court, by an order, dated 27.09.2021, directed the District Collector to take a reasoned decision in the matter upon affording both the fourth respondent and the Highways Department an opportunity of hearing. Further, observed that if the District Collector finds some anomaly that the electric poles are required to be moved, the expenditure already incurred and the inconvenience for the exercise to be taken up again should be taken into account.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the fourth respondent.



6. As directed by the Honourable First Bench of this Court, the District Collector is now conducting enquiry and it is pending for passing final orders. While pending the enquiry on the file of the District Collector, Thoothukudi, the request made by the petitioner cannot be considered. However, the second respondent is directed to consider the request made by the petitioner subject to the orders passed by the District Collector, Thoothukudi.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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 Superintendent of Police,
Thoothukudi, Thoothukudi District.
- 2.The Inspector of Police (In-charge),
Sankaralingapuram Police Station,
Thoothukudi District.
- 3.The District Collector,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.JEYAKUMARAN, Advocate (SR-5644[F] dated 11/02/2022)

W.P (MD) No.19327 of 2021
09.02.2022

RK(11/03/2022) 3P 6C