



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2022

CORAM

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No. 3200 of 2017 and

W.M.P. (MD) Nos. 2556 & 2557 of 2017

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M/s. Leit Wind Shriram Manufacturing Ltd.,  
Rep. By its authorised signatory, Mr. J. Sriram,  
Sigappi Achi Building 4<sup>th</sup> Floor,  
No. 18/3, Rukmani Lakshmi pathi Road,  
Egmore, Chennai - 600 008.

... Petitioner

Vs.

1. The District Collector,  
Tirunelveli District,  
Tirunelveli.

2. The Revenue Divisional Officer,  
Tenkasi,  
Tirunelveli District.

3. The Tahsildar,  
Alangulam,  
Tirunelveli District.

4. The Assistant Engineer,  
Sitraru Watershed Division,  
Tenkasi,  
Tirunelveli District.

5. The Director (Generation),  
TANGEDCO (TNEB),  
144, Anna Salai,  
Chennai - 600 002.

6. M. Chithiraivel  
(R-6 is impleaded vide Order dated 05.06.2017  
in W.M.P. (MD) No. 5093 of 2017)

... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the show cause notice Na.Ka.No.A5/809/2017 dated 10.02.2017 issued by the second respondent and quash the same.

For Petitioner : Mr. Ajmal Khan,  
Senior Counsel,  
for Mr. A. Thirumurthy.

For R-1 to R-4 : Mr. N. Ramesh Arumugam,  
Government Advocate.



For R-5

: Mr.S.Deenadhayalan,  
Standing Counsel.

For R-6

: Mr.A.Saravanan

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**O R D E R**

Heard the learned Senior counsel appearing for the writ petitioner and the learned Government Advocate appearing for respondents 1 to 4 and the learned Standing counsel appearing for the fifth respondent and the learned counsel appearing for the sixth respondent.

2. The petitioner was served with the impugned show cause notice dated 10.02.2017 calling upon the petitioner to show cause as to why the permission granted to the petitioner for putting up the windmill should not be cancelled. The case of the second respondent is that the windmill has been located in survey No.5/5 in Narayanapuram Village and that it falls within what is known as water spread area.

3. The learned Senior counsel submitted that any Court of law ought to take note of the subsequent development. He drew my attention to patta Nos.1640 and 1641 issued to Neyveli Lignite Corporation India Limited. Patta No.1640 covers the survey No.5/5. According to the learned Senior counsel, the petitioner had purchased the property in question from one Periyasamy under the sale deed dated 11.08.2010(document No.5119 of 2010). Subsequently, the petitioner had sold the land along with the windmill in favour of Neyveli Lignite Corporation India Limited under the sale deed dated 09.07.2014(document No.3348 of 2014). That is how, the patta has been issued in favour of Neyveli Lignite Corporation India Limited. The petitioner's role is confined to maintaining the windmill alone. Since the respondent authorities themselves have recognised the legitimate character of the land on which the windmill is located for issuance of patta, the impugned notice can no longer survive. The order impugned in this writ petition is quashed. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To:

1. The District Collector,  
Tirunelveli District,  
Tirunelveli.
2. The Revenue Divisional Officer,  
Tenkasi,  
Tirunelveli District.
3. The Tahsildar,  
Alangulam, Tirunelveli District.
4. The Assistant Engineer,  
Sitraru Watershed Division,  
Tenkasi, Tirunelveli District.

+1 CC to M/s.S.DEENADHAYALAN, Advocate ( SR-24961[F] dated 10/06/2022 )

+1 CC to M/s.A.THIRUMURTHY, Advocate ( SR-24935[F] dated 09/06/2022 )

+1 CC to M/s.SPL.GP ( SR-25113[F] dated 10/06/2022 )

W.P. (MD) No. 3200 of 2017  
09.06.2022

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KB(16.06.2022) 3P 8C