



W.P.(MD).No.13486 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.13486 of 2020

and

W.M.P.(MD).No.11246 of 2020

L.Kannan

... Petitioner

VS.

- 1.The District Collector,
Tirunelveli District.
- 2.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd,
Tirunelveli circle,
Tirunelveli District.
- 3.The Executive Engineer,
Non-Conventional Energy Sources,
Tamil Nadu Generation and Distribution
Corporation Ltd,
Arineger Anna Building,
Maharaja Nagar, Tirunelveli-11.
- 4.The Special Officer/
Block Development Officer,
South Vagaikulam Panchayat,
Manoor Panchayat Union Office,
Tirunelveli District.



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5.M/s.Pioneer Projects and Infrastruture
Service Pvt Ltd,
Represented by its Executive Director
M.Pradeep Sankar,
T-2. Akash Avenue Apartment,
Near Krishna Hospital,
Palayamkottai,
Tirunelveli-2.

6.The Block Development Officer,
Manoor Panchayat Union,
Manoor, Tirunelveli District.

7.M/s. Magnum Spinning Mills Private Ltd.,
S.F.No.355/1a, Varuthampatti,
Chinna Gounder Village,
Sankari-637 303,
Salem District.

... Respondents

*(R6 and R7 are impleaded vide court order dated 31.07.2023 in W.M.P.
(MD).No.15157 of 2023 in W.P.(MD).No.13486 of 2020)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1-4, 6 to take action to remove unauthorized windmills erected in S.Nos.152-1B and 152-1C at Vagaikulam Village, Manoor Taluk, Tirunelveli District forthwith for violation of section 162 of TN Panchayat Act 1994 and rule 4 of TN Panchayat Buildings Rules 1997.

*(Prayer is amended vide court order dated 01.09.2023 made in W.M.P.
(MD).No. 15158 of 2023 in W.P.(MD).No. 13486 of 2020)*

For Petitioner : Mr.S.Kumar

For R-1, R-4 & R-6 : Mr.B.Saravanan,
Additional Government Pleader



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For R-2 & R-3 : Mr.S.Deenadhayalan,
Standing Counsel

For R-5 : Mr.B.Saravanan,
Senior Counsel
for Mr.D.Kirubakaran

For R-7 : Mr.B.Saravanan,
Senior Counsel
for M/s. Sre Swetha

ORDER

This Writ Petition is filed for issuance of a writ of Mandamus, directing the respondents 1 to 4, 6 to take action and to remove the unauthorized windmills erected in S.Nos.152-1B and 152-1C at Vagaikulam Village, Manoor Taluk, Tirunelveli District forthwith for violation of Section 162 of Tamil Nadu Panchayat Act 1994 and Rule 4 of TN Panchayat Buildings Rules 1997.

2. The contention of the petitioner is that the respondents ought to have obtained permission from the Block Development Officer for erecting the wind mills. It is seen that the respondents 6 and 7 have not obtained permission from the authority, but as on date the line is charged and the wind mill is functioning. Therefore, the respondents 6 and 7 shall take submit papers to the concerned authority to get ratification from the concerned authority. The said exercise shall be completed within a period of eight weeks (8) from the date of receipt of a copy of this order.



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3. The further contention of the petitioner is that the respondents have not maintained the distance for erecting the wind mill, for which the petitioner is relying on the circular issued by TANGEDCO, wherein it has prescribed the distance to be maintained for erecting wind mill. The petitioner is also relying on the order passed by this Court in W.P.(MD)No.9930 of 2011, dated 17.11.2011. Therefore, the second respondent Superintending Engineer is directed to consider the petitioner's case in the light of the circular issued by the TANGEDCO and pass orders. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

4. With these observations and directions this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Sml/Tmg

01.09.2023
(2/2)



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Manoor, Tirunelveli District.



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S.SRIMATHY, J

Sml/Tmg

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