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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD) No.13661 of 2023

and

W.M.P.(MD) No.11510 of 2023

Selvi

... Petitioner

-vs-

1. The District Collector,
O/o.The District Collector, Tirunelveli,
Tirunelveli District.
2. The Executive Engineer,
Public Works Department,
Water Source Development, Chittar Basin Division,
Tenkasi @ Kudiyiruppu,
Tirunelveli District.
3. The Assistant Engineer,
Public Works Department,
Water Source Development, Chittar Basin Division,
Tenkasi @ Kudiyiruppu, Tirunelveli District.
4. The Tahsildar,
Manoor Taluk, Tirunelveli District.
5. The Block Development Officer,
Manoor Union, Tirunelveli District.
6. The Village Administrative Officer,
Pirancheri Panchayath,
Manoor Taluk, Tirunelveli District.
7. Suzlon Global Services Limited,
Plot No.31, Teachers A Colony,
North KTC Nagar, Near Fathima Kovil Opp,
To Lons and Shop, Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 6 herein to restrain the 7th respondent company to transporting the Heavy load vehicle on the Chittar River Bridge situated in Chittar River, Pirancheri Panchayath, Thenkasi -



District, on the basis of the petitioner representati ed
02.06.2023.

For Petitioner : Mr.P.Mani Anandh

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R5

Mr.A.Baskaran
Additional Government Pleader for R6

O R D E R

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents 1 to 5 and Mr.A.Baskaran, learned Additional Government Pleader, takes notice for the sixth respondent.

2. With the consent of both sides, the writ petition is taken up for final hearing at the admission stage itself.

3. We have no doubt in our mind that this writ petition is a abuse of process of Court. Admittedly, the seventh respondent has been granted permission by the authorities to erect windmills in the village concerned after taking into account the accessibility of the proposed site, for erection, in question.

4. The President of the Panchayat now wants the prohibitory mandamus restraining the seventh respondent from transporting the parts of the windmill to be erected. The authorities who granted permission should be presumed to have been aware of the requirements for erection of the windmill and this Court, which does not have a technical expertise, cannot decide on the question as to whether heavy vehicles carrying parts of the windmill can be taken across the bridge or not. We therefore do not see any reason to entertain the writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar()

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/07/2023

Sub Assistant Registrar(CS)



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Manoor Taluk, Tirunelveli District.

W.P. (MD) No.13661 of 2023
12.06.2023

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