



W.P(MD)No.14840 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.06.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.14840 of 2023
and
W.M.P(MD)No.12531 of 2023**

R.Thangam

... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 3.The Executive Engineer,
Water Resources Department,
Korampallam,
Thoothukudi.
- 4.The Executive Engineer,
Non Conventional Energy Sources,
Tamil Nadu Electricity Board,
Aringar Anna Building,
Maharaja Nagar,
Tirunelveli.



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5.Sembcorb Energy India Limited,
5th Floor, Tower – C,
Building No: 8, DLF Cyber City,
Gurgaon,
Haryana – 122 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 5 from in any way permitting or installing Windmill in Survey No.624/1A, 624/2A of Ottapidaram Village and Taluk, Thoothukudi District by considering the Petitioner's representation, dated 06.06.2023 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.3

Mr.S.Deenadhayalan
Standing Counsel for R.4

Mr.M.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates for R.5

ORDER

Heard the learned counsel on either side.

2. The petitioner alleges that the fifth respondent is likely to destroy water channels in the process of installing the windmill in the petition mentioned survey numbers.



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3. When the matter was taken up for hearing, the learned Senior Counsel appearing for the fifth respondent undertook before this Court that they may at best seek temporary permission for taking their equipments for installing the windmill in Survey Nos. 624/1A, 624/2A in Ottapidaram Village. It is not in dispute that these survey numbers are patta lands. The grievance of the petitioner is that the petitioner should not damage any water channel in the process of erection of the windmill. We make it clear that even if temporary permission is granted, the authorities will ensure that the fifth respondent will restore the original position of the water bodies after installation of the windmill. With this direction, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
23.06.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

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



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

3.The Executive Engineer,
Water Resources Department,
Korampallam,
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and

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