



W.P(MD)No.22982 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22982 of 2023

and

W.M.P.(MD)No.19206 of 2023

S.Gopinath

... Petitioner

Vs.

1.The Chairman & Managing Director,
Tamilnadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai, Chennai.

2.The Chief Engineer,
Non Conventional Energy Sources,
TANGEDCO, Chennai.

3.The Superintending Engineer,
Non Conventional Energy Sources,
TANGEDCO, Tirunelveli.

4.The Assistant Director,
Mines and Minerals Department,
Tuticorin District.

5.Semcorb Energy India Ltd.,
5th Floor, Tower – C Building No.8,
DLF Cyber City,
Gurgaon, Haryana.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the Respondents 1 to 3 from granting license to the 5th Respondent to erect Wind Mills in lands situated in Survey Nos.624/1A and 624/2A situated at Ottapidaram village and Taluk, Thoothukudi District.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel for R1 to R3.
Mr.V.Nirmal Kumar,
Government Advocate for R4.
Mr.Ajmal Khan, Senior Counsel,
For M/s.Ajmal Associates for R5.

ORDER

Heard both sides.

2.The petitioner wants this Court to forbear TANGEDCO from granting license to the fifth respondent to put up wind mills in the petition mentioned lands.

3.It is not in dispute that the petition mentioned survey numbers are patta lands belonging to the fifth respondent. The petitioner's



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apprehension is that the adjacent lands where he was earlier operating a quarry may not be available for quarry operations in future.

4.It appears that the petitioner was running quarry till 2017. I make it clear that as and when the petitioner applies for fresh quarry license in future in respect of the adjacent lands, the same will be considered on merits and in accordance with law independent of the fact that wind mills has been erected in the petition mentioned survey numbers. In other words, the fifth respondent will not have any right to lodge any objection when the petitioner seeks quarry license.

5.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

08.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



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G.R.SWAMINATHAN, J.

ias

To:-

The Assistant Director,
Mines and Minerals Department,
Tuticorin District.

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