



WEB COPY

W.P.No.15698 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.15698 of 2021

and

W.M.P.No.16596 of 2021

R.Subramani

... Petitioner

Vs.

- 1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
10th Floor, NPKRR M-aligai,
144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer,
Non-conventional Energy Sources,
TANGEDCO, 2nd Floor, Eastern Wing,
Chennai – 600 002.
- 3.The Superintending Engineer,
Non-Conventional Energy Sources,
TANGEDCO, Kolumam Road,
Udaumalapet – 642 126,
Tiruppur District.
- 4.The District Collector,
Thriuppur District.



5. The Executive Officer,
Kannivaadi Town Panchayat,
Kannivadi Village,
Dharapuram Taluk,
Tirruppur District.

6. Spring Renewable Energy Private Limited,
Office #001, Level G, Pentagon,
P-5, Magarapatta City,
Hadapsar,
Pune – 411 013.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1 to 5 respondents forbearing the 6th respondent from erection of wind mills comprised in Survey No.457/1 situated at Monganallampalayam, Erachapdi Post, Dharapuram, Via, Thiruppur District.

For Petitioner	: Ms.S.Prema Kumari for Mr.Karan and Uday
For R1 to R3	: Mr.D.R.Arun Kumar Standing Counsel for TANGEDCO
For R5	: Mr.G.Krishna Raja Additional Government Pleader
For R4	: No appearance



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ORDER

The issues raised in the present writ petition regarding erection of windmill is no more *res integra*.

2. This Court has elaborately considered the issues in W.P.No.14637 of 2020 dated 16.08.2021. The relevant portions of the order are reads as under:

“14.The above-extracted board proceedings has the force of law. It can be seen from the above-extracted board proceedings that the TANGEDCO has recognised the fact that there is a shortage of land for the development of renewable energy projects, and hence, it has consciously taken a decision to review the spacing/distance criteria for better utilisation of the available wind resource within the limited available land. Therefore, TANGEDCO has relaxed the Microtising restrictions, thereby encourages wind energy generators. TANGEDCO has also taken into consideration the MNRE Guidelines and thereafter prescribed the norms through the board proceedings.

15. There is yet another reason why the issuance of board proceedings by TANGEDCO must be held to have a statutory force. Rule 45(7) of the Tamil Nadu Combined Development and Building Rules, 2019 specifically



empowers TANGEDCO to issue location clearance and approval to set up a wind turbine generator on any land. As per the Board proceedings, the prescribed distance to be maintained by a wind turbine generator is 195 meters in all directions. The TANGEDCO officials conducted an inspection of the area and, on being satisfied that the micro-siting requirements were fulfilled, granted clearance to the 6th respondent to proceed further to erect the wind turbine, through proceedings dated 08.01.2020, subject to the conditions.

16. In view of the above discussion, this Court is of the considered view that the 6th respondent has complied with the requirements of the applicable laws and regulations and hence, the 7th respondent, who is the contractor, is entitled to proceed further to set up the wind turbine generator in the subject property. This Court holds that the MNRE Guidelines lack statutory backing and, therefore, it is not enforceable. Hence, the reliance placed upon by the petitioner on these Guidelines is unsustainable.

17. In the result, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.



3. In view of the order cited *supra*, the present writ petition stands dismissed. No costs.

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

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S.M.SUBRAMANIAM, J.

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