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W.P.(MD) No.2746 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.2746 of 2023
and
W.M.P.(MD) No.2505 of 2023**

G.Maheswari

... Petitioner

-vs-

- 1.The District Collector
O/o.District Collectorate
Thoothukudi District-628 101
- 2.The Block Development Officer
Ottapidaram Union Office
Ottapidaram
Thoothukudi District-628 401
- 3.The Assistant Director
Rural Development Department
Collector Office
Thoothukudi District-628 101



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- 4.The Secretary / Member
Local Planning Authority
No.51, Mela Ratha Veethi
Thoothukudi-628 101
- 5.The Deputy Director
Town and Country Planning
Tirunelveli Zone, Xavier Colony
South By Pass Road
Tirunelveli-627 005
- 6.The Assistant Director
Geology and Mining Department
Collector Office
Thoothukudi District
- 7.The Tahsildar
Ottapidaram-628 401
Thoothukudi District
- 8.M/s.Suzion Energy Limited
Tree Lounge
Level O, Left Wing one Earth
Opp Magarpatta City
Hadapsar, Pune-411 028
Maharashtra
- 9.R.Revathi
- 10.J.Jarun Nakar
- 11.A.Radhakrishnan
- 12.A.Sritharan



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13.A.Ramesh

14.A.Selvaraj

15.M.S.Saravanan

16.S.T.Alaguvel Nadar

17.Gnanaprakash

18.M/s.Green Infra Wind Energy Ltd.,
5th Floor, Tower C Building No.8
DLF Cyber City, Gurugram-122 002
Haryana
[R15 to R18 are impleaded *vide*
Court Court order dated 13.07.2023
in W.M.P.(MD) No.4489 of 2023]

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 7 to initiate necessary proceedings to remove the unauthorized construction and established workshop with mechanical power put up by the eighth respondent with the proposed respondents 15 to 18 situated in Survey Nos.48/2, 49, 50/1B, 50/2, in total extent of 15.59 Acres punjai land in Valasamuthiram Village Panchayat, based on the representation of the petitioner dated 14.01.2023.
[Amended *vide* Court order dated 13.07.2023 in W.M.P.(MD) No.4491 of 2023]



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For Petitioner : Mr.Chinraj

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1, R3 to R7
Mr.R.Ravikumar for R10
No appearance for R15 & R16
Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates for R18

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the respondents 1 to 7 to initiate necessary proceedings to remove the unauthorized construction and established workshop with mechanical power put up by the eighth respondent with the respondents 15 to 18 in Survey Nos.48/2, 49, 50/1B, 50/2, to an extent of 15.59 Acres punjai land, of Valasamuthiram Village Panchayat, based on the representation of the petitioner dated 14.01.2023.

2. According to the petitioner, the respondents 9 to 14 are owners of the land in Survey Nos.46/1B, 46/3, 46/4B and 46/5B of Valasamuthiram Village and the eighth respondent is the Wind Mill Energy Limited. As per G.O.Ms.No.255, Rural Development (C2), dated 18.08.1997 and as per Section



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160 of the Tamil Nadu Panchayats Act, 1994, the respondents 8 to 14 have to get necessary permission from the Village Panchayat, for construction of factories and installation of machineries. However, without obtaining permission from the authority concerned, the eighth respondent has made an unauthorized construction and established a workshop in the subject land. Ventilating the same, on 14.01.2023, the petitioner sent a representation to the respondents 1 to 7. However, there was no response from the respondents 1 to 7. Therefore, the present writ petition is filed.

3. According to the learned Senior Counsel appearing for the eighteenth respondent, no wind mill, as alleged by the petitioner, has been erected and only a temporary shed for storing the materials has been put up, for which no permission is required from any authority. Further, learned Senior Counsel fairly submits that if any unauthorized construction or illegal structures are found, it is always open to the authority concerned to take action in accordance with law.

4. Considering the facts and circumstances of the case, since the representation of the petitioner dated 14.01.2023 is pending consideration, we



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direct the second respondent to consider the same on its own merits and in accordance with law, within period of twelve weeks from the date of receipt of a copy of this order. Needless to state that if any unauthorized construction or any violation of the relevant rules are found, necessary action shall be taken for removal of the same in accordance with law.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

07.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The District Collector,
O/o.District Collectorate,
Thoothukudi District-628 101.

2.The Block Development Officer,
Ottapidaram Union Office,
Ottapidaram,
Thoothukudi District-628 401.



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- 3.The Assistant Director,
Rural Development Department,
Collector Office,
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- 4.The Secretary / Member,
Local Planning Authority,
No.51, Mela Ratha Veethi,
Thoothukudi-628 101.
- 5.The Deputy Director
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