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W.P.(MD)NO.4359 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4359 of 2024 AND
W.M.P.(MD)No.4182 of 2024

Muthu

... Petitioner

Vs.

1. The Tamil Nadu Generation &
Distribution Corporation Ltd.,
(TANGEDCO),
Rep. by its Chairman and Managing Director,
NPKRR Maaligai, 144, Anna Salai,
Chennai – 600 002.
2. The Chief / Engineer/NCES,
TANGEDCO,
144, Anna Salai,
Chennai – 600 002.
3. The Superintending Engineer,
TANGEDCO, Pudukkottai.
4. The Assistant Engineer,
TANGEDCO,
Annavaasal, Illuppur,
Pudukkottai.
5. The Block Development Officer,
Panchayat Union Annavaasal,
Annavaasal, Iluppur Taluk,
Pudukkottai.



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6. The Panchayat President,
Vellanchar Village President,
Annavaasal Village Panchayat Union,
Iluppur Taluk, Pudukkottai.

7. M/s.Loyal Agro Food,
Rep. by its Managing Partner,
C.Rathesh Kumar,
Chitambaram, Kumarabavanam,
Door No.5, LR.Manickam Street,
Barathipuram, Dharmapuri.

8. Reeman Solutions Private Ltd.,
Rep. by its Srinivasm,
S/o.Mohan,
2/3, Sannathi Street,
Vadugar Street, Iluppur Village,
Iluppur Taluk, Pudukkottai District.

9. Rajakannu Udaiyar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 6 from granting permission to install the solar power plant of Vellanchar Village, Iluppur Taluk, Pudukkottai District in SF No.22/2 with an extent of 11 acre 88 cents of Vellanchar Village, Iluppur Taluk, Pudukkottai District in favour of the 7th respondent and its men and agent by considering the petitioner's representation dated 15.02.2024.

For Petitioner : Mr.R.Paranjothi,
for M/s.KBS Law Office.
For R-5 & R-6 : Mr.Ramesh Arumugam,
Government Advocate.
For R-1 to R-4 : Mr.S.Deenadhayalan,
Standing counsel.

* * *

**ORDER**

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 5 and 6 and the learned Standing counsel appearing for respondents 1 to 4.

2. Issuance of notice to respondents 7 to 9 is dispensed with.

3. The petitioner and the ninth respondent are brothers. The case of the petitioner is that his brother had sold the entire property even though he has no such absolute title. But then, the patta stands in the name of the ninth respondent. Therefore, the authority cannot be restrained by this Court, at this stage. These are matters which have to be decided only by the jurisdictional civil Court.

4. Therefore, even while declining the relief sought for in the writ petition, I permit the petitioner to move the jurisdictional civil Court for relief. If any such suit is filed, it shall be numbered immediately and shortly. It is for the petitioner to seek interim relief. If any such IA is filed by the petitioner, it shall be numbered and disposed of as expeditiously as possible. I make it clear that I have not gone into the merits of the matter.



5. With this liberty given to the petitioner in the aforesaid manner, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

26.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

Note : Issue order copy on 04.03.2024.

To:

1. The Chairman and Managing Director,
The Tamil Nadu Generation & Distribution Corporation Ltd.,
(TANGEDCO), NPKRR Maaligai, 144, Anna Salai,
Chennai – 600 002.
2. The Chief / Engineer/NCES,
TANGEDCO, 144, Anna Salai, Chennai – 600 002.
3. The Superintending Engineer,
TANGEDCO, Pudukkottai.
4. The Assistant Engineer,
TANGEDCO, Annavasal, Illuppur, Pudukkottai.
5. The Block Development Officer,
Panchayat Union Annavasal, Annavasal, Iluppur Taluk,
Pudukkottai.
6. The Panchayat President,
Vellanchar Village President, Annavasal Village Panchayat Union,
Iluppur Taluk, Pudukkottai.



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G.R.SWAMINATHAN,J.

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