



W.P(MD)No.8828 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.8828 of 2024
and
W.M.P(MD)No.8043 of 2024**

N.Arunkumar

... Petitioner

VS.

- 1.The District Collector,
Office of the Collectorate,
Thoothukudi District.
- 2.The Project Director,
District Rural Development Agency,
Thoothukudi,
Thoothukudi District.
- 3.The Assistant Director of Panchayat,
Office of the Assistant Director of Panchayat,
Collectorate,
Thoothukudi,
Thoothukudi District.
- 4.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.



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- 5.The Tahsildar,
Office of the Thasildar,
Ottapidaram,
Thoothukudi District.
- 6.The Block Development Officer (Village Panchayat),
Block Development Office,
Ottapidaram,
Thoothukudi District.
- 7.The Authorized Officer,
Suzlon Gujarat Wind Park Limited & Suzlon Energy Limited,
PP2H + 3 FC,
Rajarajeshwari Nagar South,
K.T.C Nagar,
Tirunelveli – 627 007.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 herein to take action as against the seventh respondent for his illegal acts on the basis of the representation of the petitioner, dated 11.03.2024.

For Petitioner	: Mr.V.Selvakumar
For Respondent Nos.1 to 6	: Mr.P.Thilak Kumar Government Pleader
For Respondent No.7	: Mr.M.Ajmal Khan Senior Counsel



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ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents 1 to 6 herein to take action as against the seventh respondent for his illegal acts, on the basis of the representation of the petitioner, dated 11.03.2024.

2.It is the complaint of the petitioner, who is none other than the Village Panchayat President of Kodyankulam Panchayat, Thoothukudi District, that the seventh respondent has started constructing a windmill at a Poramboke land, which is also a water body, therefore, action to be taken to stop the construction and it should be removed.

3.With that grievance, since the petitioner has come out with this petition, that the same is opposed by the learned senior counsel appearing for the seventh respondent, who would submit that, there has been construction work which is going on for constructing the windmill at Survey No.185 in the Village concerned, which is a patta land.



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4.The very same position has been reiterated by the learned Government Pleader appearing for the official respondents, who, on written instructions, issued by the fifth respondent Tahsildar, dated 07.04.2024, has submitted that Survey No.185, where the windmill project is going on is a patta land. To that extent, he relied upon the written instruction given by the Tahsildar, who had stated among other things that Survey No.185 is a patta land, which is 180 meters north side and 236 meters on the other side away from the water channel, therefore, it is not related to or nearer to the water channel, hence, there could be no objection for constructing the windmill.

5.The said submission since has been made on behalf of the Revenue Department and it is also the case of the seventh respondent that they constructed only one windmill in the Village concerned, that too, in Survey No.185 which is a patta land, we feel that the petitioner, who is the Village President of that Village concerned, does not have any grievance, as the allegation made by him that it is in the Government land or poramboke land or Natham land, has already been clarified by the Revenue Department, therefore, no further action is required, as claimed by the



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petitioner in this Writ Petition. Hence, this Writ Petition is liable to be dismissed, accordingly, it is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.K.,J.] [G.A.M.,J.]
08.04.2024

NCC : Yes / No
Index : Yes / No
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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

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ORDER MADE IN
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DATED : 08.04.2024