



W.P(MD)No.13233 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.13233 of 2018

and

W.M.P(MD)No.12066 of 2018

M.Thanapal

... Petitioner

Vs

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Superintending Engineer,
Non-Conventional Energy Sources,
Tamil Nadu Generation and Distribution Corporation,
Palayamkottai,
Tirunelveli District.
- 3.The Assistant Executive Engineer,
Non-Conventional Energy Sources,
Tamil Nadu Generation and Distribution Corporation,
Palayamkottai,
Tirunelveli District.
- 4.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation,
Kayathar Circle,
Thoothukudi District.
- 5.Jagathrashaga Perumal Renewable Energy Private Limited,
Represented by its,
Director, Chander Prakash,
S.7, Krishna Arcade,
Old No.36, New No.10,
Rajabathar Street,
T.Nagar, Chennai – 600 017.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 forthwith to forbear the fifth respondent from the installation of Wind Mill without following the falling distance in Survey Nos.242/5A, 242/5D, 242/5C situated in Kalappaipatti Village, Kayathar Taluk, Thoothukudi District adjoining to the petitioner's quarry in Survey No.238 of Kalappaipatti Village, Kayathar Taluk, Thoothukudi District and the petitioner's land in Survey No.245/1A of Kalappaipatti Village, Kayathar Taluk, Thoothukudi District.

For Petitioner : Mr.R.Pon Karthikeyan
For R – 1 : Mr.S.Shanmugavel
Additional Government Pleader
For RR 2 to 4 : Mr.S.Deena Dhayalan
Standing Counsel

ORDER

This Writ Petition has been filed for a direction, directing the respondents 1 to 4 forthwith to forbear the fifth respondent from the installation of Wind Mill without following the falling distance in Survey Nos.242/5A, 242/5D, 242/5C situated in Kalappaipatti Village, Kayathar Taluk, Thoothukudi District adjoining to the petitioner's quarry in Survey No.238 of Kalappaipatti Village, Kayathar Taluk, Thoothukudi District and the petitioner's land in Survey No.245/1A of Kalappaipatti Village, Kayathar Taluk, Thoothukudi District.



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2. When the matter is taken up for hearing today, Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the first respondent, on instructions, would submit that so far no application has been filed by the fifth respondent for installation of windmill and no windmill has been installed in the land comprised in Survey Nos.242/5A, 242/5D, 242/5C situated at Kalappaipatti Village, Kayathar Taluk, Thoothukudi District.

3. Recording the said submission, this Writ Petition is closed. In future, if any application submitted seeking permission by the fifth respondent, the authority concerned is directed to issue notice to the petitioner as well as fifth respondent and after giving an opportunity of hearing to them and pass orders on merits and in accordance with law forthwith. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

08.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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G.K.ILANTHIRAIYAN, J.

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Order made in
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