



W.P.(MD) No.23893 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.23893 of 2024
and
W.M.P.(MD)No.20237 of 2024

Veeralakshmi

...Petitioner

-VS-

- 1.The Secretary,
Ministry of New and Renewable Energy,
Atal Akshay Urja Bhawan,
CGO Complex, Lodhi Road,
New Delhi 110 003
- 2.The Principal Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development (UD-4(1)) Department,
Fort St.George, Chennai
- 3.The Chairman Cum Managing Director,
TANGEDCO,
6th Floor, TANGEDCO Building,
144, Anna Salai,
Chennai 600 002
- 4.The District Collector,
Tuticorin,
Tuticorin District



W.P.(MD) No.23893 of 2024

5.The Chairman (Superintending Engineer),
TANGEDCO,
Tuticorin EDC,
131 and 132, Ettaiyapuram Road,
Tuticorin 628 001

6.The President,
Melathattaparai Village,
Tuticorin Taluk,
Tuticorin District

7.M/s.Green Infra Energy Private Limited,
Through its Authorized Officer,
Having Office at Kurichi Main Road, Kulavanigarpuram,
Palayamkottai Taluk,
Tirunelveli District

8.Punithavathi

9.Prasanna Ganesh

10.V.Ramadoss

11.Dhanaraj

12.Mohan Power Infrastructure Private Limited,
Through its Authorized Officer,
Door No.35/47, 1st Street,
Vasanth Nagar, Madurai District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the third and fifth respondents to initiate legal action in the light of Rule 45 of Tamil Nadu Combined Development and Building Rules, 2019 (As amended) based on the petitioner's representation dated 31.10.2023 and to permanently stop the project of the 7th and 12th respondents in the landed properties at Survey No.2/3 of Valasamuthiram Village, Ottapidaram



W.P.(MD) No.23893 of 2024

Taluk, Tuticorin District.

For Petitioner	: Mr.C.M.Arumugam
For R2 & R4	: Mr.A.Kannan Additional Government Pleader
For R3 & R5	: Mr.S.Deenadhayalan Standing Counsel

ORDER

This writ petition has been filed seeking a direction to the respondent to initiate legal action in the light of Rule 45 of Tamil Nadu Combined Development and Building Rules, 2019 (as amended) based on the representation, dated 31.10.2023 and to permanently stop the project of the 7th and 12th respondents in the landed properties at Survey No.2/3 of Valasamuthiram Village, Ottapidaram Taluk, Tuticorin District.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the second and fourth respondents and Mr.S.Deenadhayalan, learned Standing Counsel, takes notice for the third and fifth respondents.

3.Considering the nature of order proposed to be passed in this writ petition, notice to the respondents 1 and 6 to 12 is dispensed with.

3/7



W.P.(MD) No.23893 of 2024

WEB COPY

4.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

5.The grievance of the petitioner is that the subject property belongs to the father of the petitioner. The fourth respondent, being the brother of the petitioner, has executed a power of attorney with regard to the subject property in favour of the 12th respondent, who in turn registered a document in favour of the seventh respondent. According to the petitioner, the shares of the petitioner and other sisters of the petitioner have also been sold by the 12th respondent. In this regard the petitioner and her sisters have filed a suit in O.S.No.83 of 2023, which is pending before the District Court, Tuticorin. In the meanwhile, the seventh respondent has made an attempt to construct a wind mill without any permission from the authorities concerned. Hence, the petitioner seeks action against the private respondents.

6.At the outset, this Court is of the view that without any details as to the nature of the action, as a matter of right a blanket direction to



W.P.(MD) No.23893 of 2024

initiate action against the private respondents, cannot be issued. The petitioner having filed a suit in O.S.No.83 of 2023, she can very well canvass her case in that suit to get her share declared. Even assuming that the 12th respondent has sold the entire property including the share of the petitioner, the petitioner is able to succeed in the suit and the right of the petitioner over the subject property will not be diminished. Once the petitioner succeeds in the suit, she can always seek allotment of her share despite the purchase of the property by the seventh respondent.

7. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.10.2024

Index : Yes / No

Internet : Yes / No

ta

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development (UD-4(1)) Department,
Fort St. George, Chennai

5/7



W.P.(MD) No.23893 of 2024

2.The Chairman Cum Managing Director,
TANGEDCO,
6th Floor, TANGEDCO Building,
144, Anna Salai,
Chennai 600 002

3.The District Collector,
Tuticorin, Tuticorin District

4.The Chairman (Superintending Engineer),
TANGEDCO, Tuticorin EDC,
131 and 132, Ettaiyapuram Road,
Tuticorin 628 001



WEB COPY



W.P.(MD) No.23893 of 2024

N.SATHISH KUMAR, J.

ta

W.P.(MD) No.23893 of 2024

04.10.2024