



WP(MD). No.23931 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 14/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.23931 of 2024
and WMP(MD) No.20271 of 2024**

V. Perumal Selvam

... Petitioner

Vs

1. The District Collector,
Tirunelveli.

2. The Superintending Engineer,
(Non-Conventional Energy),
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai.

3. The Executive Engineer,
(Non-Conventional Energy),
Tamil Nadu Electricity Board,
Arignar Anna Building,
Maharaja Nagar, Tirunelveli.

4. The Block Development Officer,
Manur Panchayat Union, Tirunelveli.

5. K.Ramakrishnan,
S/o.Kumarasamy,
No.127, Main Road, Thalayaypalayam,
Punjai Thottakurichi, Karur.

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 4th respondent to initiate appropriate action against the 5th respondent regarding the un-authorized erection of windmill in S.No.551 and 552/2, Pirancheri Village, Manur Taluk, Tirunelveli District within the prohibition distance of the petitioners licensed quarry situated in S.No. 784 as per the Tamil Nadu Combined Development and Building Rules, 2019 considering the petitioner's representation dated 07.08.2024.

For Petitioner : Mr.H.Arumugam
For Respondent : Mr.M.Ajmal Khan for R5
Senior counsel assisted by
Mr.C.Venkateshkumar
Mr.A.Kannan for R1
Additional Government Pleader
Mr.D.SadiqRaja for R2 to R4
Additional Government Pleader

ORDER

The writ petition has been filed for a mandamus directing the 4th respondent to initiate appropriate action against the 5th respondent regarding the un-authorized erection of windmill in S.No.551 and 552/2, Pirancheri Village, Manur Taluk, Tirunelveli District within the prohibition distance of the petitioners licensed quarry situated in S.No. 784 as per the Tamil Nadu Combined Development and Building Rules, 2019 considering the petitioner's representation dated 07.08.2024.



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2. By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

3. The grievance of the petitioner is that the petitioner was granted quarry license in S.No.784 measuring 2.13.5 hectares, whereas, the 5th respondent has purchased the nearby land and is trying to erect windmill within the prohibited distance as per Rule 9 read with Annexure 17 of the Tamilnadu Combined Development and Building Rules, 2019. According to him, the 5th respondent is trying to erect windmill within the prohibited distance of 500 meters.

4. However, it is the contention of the learned Senior counsel that windmill has already been erected and it is erected beyond the prohibited distance of 300 meters, ie., 361 meters away. The prohibited distance is only 300 meters and hence, it is submitted that there is no violation.

5. Considering the said submission, the first respondent shall direct the Tahsildar of the concerned area to inspect the place in question and



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after measuring the distance between the windmill and the quarrying field, a report shall be filed before the first respondent. On receipt of such report from the Tahsildar, the first respondent shall pass orders on its own merits. It is made clear that such inspection shall be made in the presence of the petitioner and the 5th respondent and if the windmill is constructed within the prohibited distance, orders shall be passed as per law.

6. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

14.10.2024

RR



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TO

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N.SATHISH KUMAR,J

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**ORDER
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