



W.P.(MD)No.10982 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10982 of 2025

and WMP (MD) No.8189 of 2025

M/s. Shubh Realty South Private Limited
rep. by its Manager
D.Benjamin

: Petitioner

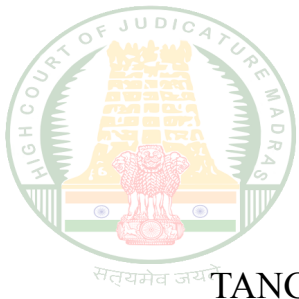
Vs.

1. The District Collector / District Executive Magistrate,
Tenkasi, Tenkasi District.

2. The Chief Engineer,
Non Conventional Energy Sources,
TANGEDCO,
2nd Floor,
Eastern Wing,
No.144, Anna Salai,
Chennai - 2.

3. The Superintending Engineer,
Non Conventional Energy Sources,
TANGEDCO,
Thiyagarajanagar,
Tirunelveli,
Tirunelveli District.

4. The Executive Engineer,
Non Conventional Energy Sources,
Office of the Superintending Engineer Office,



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TANGEDCO,
Thiyagarajanagar,
Tirunelveli,
Tirunelveli District.

5. The Manager,
Pioneer Energy Private Limited,
Tirunelveli,
Tirunelveli District.

: Respondents

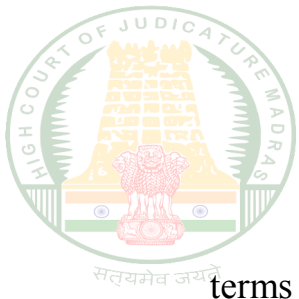
PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to consider and pass appropriate orders on the petitioners representation dated 08.04.2025 in terms of Section 17 of the Indian Telegraph Act, 1885 and further restraining the respondents 2 to 4 from commissioning the wind turbine of the 5th respondent pending the final disposal of the petitioners representation within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Ms.Jesima Yasmin
for M/s. Ajmal Associates

For Respondents : Mr.S.Deenadhayalan
Standing Counsel for R2 to R4
Mr.C.Venkatesh Kumar
Spl. Government Pleader for R1

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the first respondent to consider and pass appropriate orders on the petitioner's representation dated 08.04.2025, in



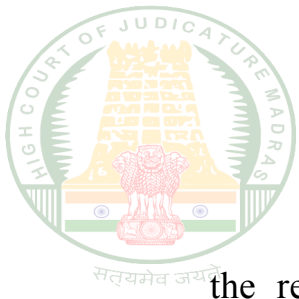
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terms of Section 17 of the Indian Telegraph Act, 1885 and further restraining the respondents 2 to 4 from commissioning the wind turbine of the fifth respondent, pending the final disposal of the petitioner's representation.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the fifth respondent is dispensed with.

3. The learned counsel for the petitioner submits that the petitioner company purchased dry land from the landowners for the installation of more than 2,000 machines, after obtaining the necessary permission from the Tamil Nadu Electricity Board. The grievance of the petitioner is that, notwithstanding the availability of Government Poramboke land, the fifth respondent is attempting to erect fifteen electric poles on the petitioner's patta land without obtaining the petitioner's consent. In this regard, the petitioner submitted a representation dated 08.04.2025 to the first respondent, requesting that



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the respondents 2 to 4 be restrained from commissioning the wind turbine of the fifth respondent, pending final disposal of the petitioner's representation in terms of Section 17 of the Indian Telegraph Act, 1885. As no action has been taken, the petitioner has now filed the present Writ Petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the first respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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6. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 08.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the *status quo* shall be maintained between the parties. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

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Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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