



W.P.(MD).No.6237 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6237 of 2019

Michael Dhanaraj

... Petitioner

-VS-

1. The District Collector,
Thoothukudi District.
2. The Chairman,
Tamilnadu Generation and Power Distribution Co.Ltd (TANGEDCO),
Kanthimandapam Road,
Anna University Campus,
Kotturpuram, Chennai-85.
3. The Superintending Engineer,
Tamilnadu Generation and Power Distribution Co.Ltd (TANGEDCO),
131-132, Ettayyapuram Road,
Thoothukudi, Thoothukudi District.
4. The Superintending Engineer,
Tamilnadu Generation and Power Distribution
Co.Ltd (Wind Energy) (TANGEDCO),
Maharajanagar, Palayamkottai,
Tirunelveli District.
5. Assistant Engineer (Distribution),
Tamilnadu Generation and Power Distribution Co.Ltd (TANGEDCO),
110, Nethaji Road, Ottapidaram,
Thoothukudi District.



W.P.(MD).No.6237 of 2019

WEB COPY

6. The Special Officer,
Ottapidaram Panchayat Union Office,
Ottapidaram, Thoothukudi District.

7. The General Manager,
M/s.Suzlon Wing Energy Co Ltd,
104, 1st Floor, Deltavis,
Rakesha Towers, No.177 Annasalai,
Mount Road, Chennai - 600 002.

8. The Tahsildar,
Ottapidaram,
Thoothukudi District.

... Respondents

(R8 is Suo Motu Impleaded Vide Court Order Dated.11.11.2024 in Wp(MD).
6237/2019)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 6 herein from in any way permitting the Suzlon Wind Energy Co Ltd /7th respondent herein to continue further construction work in connection with the erection of Wind Mill in Petitioners survey lands in Plot No.15, Sainagar II, comprised in S.No. 23/11B and 23/11 C situated at Ottapidaram Village, Thoothukudi District, on the basis of petitioner's representation dated 28.06.2018.

For Petitioner : Mr.S.Madhiralingeswaran

For Respondent : Mr.C.Venkatesh kumar (R1)

Special Government Pleader

Mr.S.Deenadhayalan (R2 to R5)

Mr.V.Karhtik Rajan (R7)



W.P.(MD).No.6237 of 2019

ORDER

WEB COPY

This writ petition has been filed seeking to forbear the respondents 1 to 6 herein from in any way permitting the Suzlon Wind Energy Co Ltd /7th respondent herein to continue further construction work in connection with the erection of Wind Mill in the petitioner's survey lands in Plot No.15, Sainagar II, comprised in S.No.23/11B and 23/11 C situated at Ottapidaram Village, Thoothukudi District, on the basis of petitioner's representation dated 28.06.2018.

2. The case of the petitioner is that the petitioner purchased the property in S.No.23/11B and 23/11C situated at Ottapidaram village, Thoothukudi District vide registered sale deed and the petitioner has been allotted plot No.15 in respect of the subject property. When the petitioner wanted to construct house in his plot, he came to know that the 7th respondent erected wind iron electric pole in the petitioner's land for generating the wind energy, without following due process of law. In this regard, the petitioner made a representation 28.06.2018 to the respondents.



W.P.(MD).No.6237 of 2019

WEB COPY

3. The petitioner earlier filed a writ petition before this Court in WP(MD)No.16354 of 2018, which was dismissed by this Court with liberty to the petitioner to file a fresh writ petition impleading the 7th respondent herein. Now, the petitioner by impleading the 7th respondent as a necessary party, filed this writ petition seeking the aforesaid relief.

4. The learned counsel appearing for the petitioner submits that the petitioner is the owner of the subject property. However, 7th respondent illegally erected wind iron electric pole in the petitioner's land for generating the wind energy. The petitioner has made a representation dated 28.06.2018 with regard to the aforesaid relief. Since the said representation has not been considered till date, this writ petition has been filed.

5. The learned counsel appearing for the 7th respondent produced the typed set of papers including the topo sketch in respect of the subject property. He submits that the fourth respondent has issued the synchronization certificate in favour of the 7th respondent.

6. Heard the learned counsel on either sides and perused the materials placed before this Court.



W.P.(MD).No.6237 of 2019

WEB COPY

7. Admittedly, this issue involves the disputed question of fact. The adjudication of the disputed questions of facts cannot be resolved by the Writ Court. The petitioner can agitate this issue before the appropriate forum, as it involves the disputed question of fact and hence, this writ petition lacks merit and the same is dismissed accordingly. No costs.

20.03.2025

NCC : Yes/No
Index : Yes / No
sm

TO:-

1. The District Collector,
Thoothukudi District.
2. The Tahsildar,
Ottapidaram,
Thoothukudi District.



WEB COPY



W.P.(MD).No.6237 of 2019

VIVEK KUMAR SINGH, J.

sm

Order made in
W.P.(MD)No.6237 of 2019

Dated:
20.03.2025