

WP(MD)No.22147 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2025

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THE HONOURABLE MR JUSTICE C.SARAVANAN

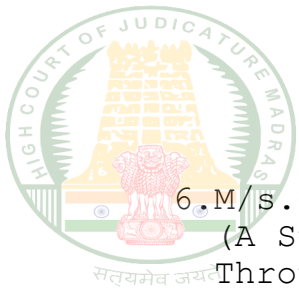
W.P(MD)No.22147 of 2025

and

WMP(MD)No.17232 of 2025

Ku Thermal Power Private Limited,
Rep. By Authorized Signatory
M.V.Subba Reddy,
S/o.M.Sivarama Reddy,
No.4/112/6, KTC Nagar,
Thoothukudi-628 002. : Petitioner
Vs.

- 1.The District Collector,
Thoothukudi.
- 2.The Superintendent Engineer,
Tamil Nadu Power Distribution Corporation
Limited (TNPDC),
Thoothukudi.
- 3.The Superintending Engineer,
Non Conventional Energy Sources,
TNPDC,
Tirunelveli.
- 4.The Executive Engineer,
The Tamil Nadu Transmission Corporation Ltd.,
(TANTRANSCO),
Thiagaraja Nagar,
Tirunelveli.
- 5.The Assistant Engineer,
Tamil Nadu Power Distribution Corporation
Limited, (TPDC),
Ottappidaram,
Thoothukudi District.



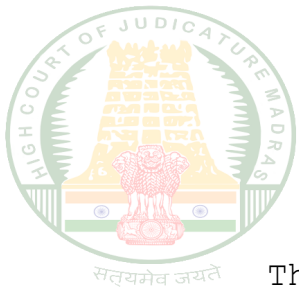
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6.M/s.Green Infra Wind Energy Ltd.,
(A Subsidiary of M/s.Sembcorp Green Infra Ltd.,)
Through its Authorized Signatory
having their registered Office
at Building 7A Level 5, DLF Cyber City,
Gurugram-122 022.

7.M/s.Excelletech Wind India Pvt Ltd.,
Represented by its Authorized Signatory,
No.4/319, Anupatty Road,
Venkitapuram,
Tirupur District.
Palladam-641 665. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 to 5 from installing Electricity Poles and Drawl of lines and further granting permission to the 6th and 7th respondents to develop and install poles and drawl of Electricity Lines upon the petitioner's company Properties situated at Sillanatham and Ottapidaram Village, Ottapidaram Taluk, Thoothukudi District and pass such or other orders.

For Petitioner	:	Mr.T.Mohan Senior Counsel for Mr.R.Murali
For 1 st Respondent	:	Mr.C.Satheesh Government Advocate
For R2 to R5	:	Mr.S.Deenadhayalan Standing Counsel
For 6 th Respondent	:	Mr.Gautam S.Raman
For 7 th Respondent	:	Mr.M.Prabhu

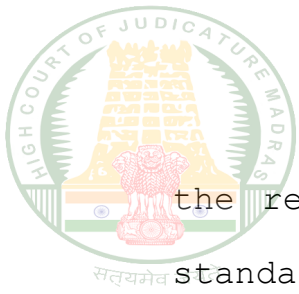


O R D E R

This writ petition is disposed of, after hearing the learned Senior Counsel appearing for the petitioner and the learned Counsels appearing for the respondents.

2.In this writ petition, the petitioner has prayed for a writ of mandamus to forebear the respondents 1 to 5 from installing Electricity Poles and Drawl of lines and further granting permission to the respondents 6 and 7 to develop and install poles and drawl of electricity lines upon the petitioner's company properties located at Sillanatham and Ottapidaram Village, Ottapidaram Taluk, Thoothukudi District.

3.The petitioner appears to have obtained an order from the Government in GO(MS)No.608, dated 31/10/2020 of the Revenue & Disaster Management Department, Land Reforms Wing, (LR2 (2) Section. By virtue of the above said Government Order, the Government has granted permission under section 37-A of the Tamil Nadu Land Reforms (Fixation of Ceiling of Lands) Act, 1961 to the petitioner's company to hold the purchased lands to an extent of 635.61 ordinary acres (199.572 standard acres) as mentioned in the Annexure VII in excess of



the retainable extent of 45.45 ordinary acres (14.476 standard acres) (as mentioned in Annexure-I) in Sillanatham and Ottapidaram Villages, Ottapidaram Taluk of Thoothukudi District for the purpose of setting up 20 2 x 660 MW Coal based Thermal Power Station.

4.The above Government Order also stipulates the following:-

"I.The above lands should be put up for commercial use within a period of 5 years.

ii.The lands should not be sold or alienated;

iii.The company should adhere the conditions as laid down under section 56(3)of the Tamil Nadu Land Reforms (fixation of Ceiling on Land) Rules, 1962.

iv.The entire extent of land should be utilized within next five years for the purpose of setting up of thermal power Plant.

v.No Objection Certificate should be obtained from Agriculture



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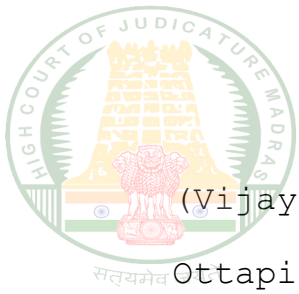
*Department for getting approval from
Director of Town and Country
Planning.*

*vi.Total acquired lands should
not exceed 20% total net crop area
of the district.*

*Vii.No water source should be
inside the project."*

5.The complaint of the petitioner is that the official respondents are sanctioning and allowing the private respondents herein to put up the electricity lines for installation of poles and powers, etc., for transmission of the electricity power generated by the private respondents 6 and 7, who are generating electricity through Sembcorp Wind Power in Tuticorin District.

6.It is noticed that the petitioner had earlier also approached this court in WP(MD)No.9119 of 2024 against the first respondent and the Executive Engineer. The petitioner had earlier approached the official respondents and against other private respondents therein namely M/s.JSW Renewable Energy



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(Vijayanagar) Ltd, Site Office, Chandragiri, Ottapidaram Taluk, Thoothukudi District and M/s.Dhanalakshmi Constructions, 1-244-3, Rajiv Nagar, Pasuvanthanai to Kovilpatti Main Road, Pasuvanthanai, Tuticorin-628 718. The petitioner had challenged the proceedings of the Chief Engineer, Transmission (TANTRANSCO), TNEB Limited, No.144, Anna Salai, Chennai-2, made in Lr.No.CE/TR/SE/TR-I/EE/TSM/A1/F-route-Map/D08/24-1, dated 10/01/2024, whereby approval was granted under 10(1) of the Electricity Act in favour of the private respondent No.4 therein namely M/s.JSW Renewable Energy (Vijayanagar) Ltd., Site Office, Chandragiri, Ottapidaram Taluk, Thoothukudi District.

7.By a detailed order, dated 22/05/2024, this court had ordered as follows:-

"9.I fail to understand as to how the impugned communication can by itself authorise the fourth respondent to ride a roughshod over the rights of the petitioner herein. That is why the fourth respondent contend that they had entered into



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an independent undertaking with the petitioner and also paid them the appropriate compensation. The petitioner of course would claim that they had been cheated by their employee and that therefore the undertaking arrived at by the employee will not bind them.

10.Learned Senior Counsel would rebut this argument by pointing out that the cheque was issued by the fourth respondent not in favour of the employee, but in favour of the petitioner/company and that it was also subsequently encashed.

11.I am therefore of the view of that these matters that need not be gone into in this writ petition. The approval given by TANTRANSCO in favour of the fourth respondent does not warrant any interference as such. I have clarified that, on the strength of the impugned approval, the fourth respondent cannot barge into the petitioner's land. But, if the fourth respondent has any independent right as against the petitioner, that could always be



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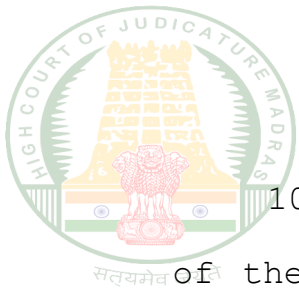
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enforced. In the present writ petition, clarification that these matters have to be worked out only before the jurisdictional civil Court would suffice. Granting liberty to the parties to work out their respective claims and remedies before the jurisdictional civil Court, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed."

8.Meantime, the petitioner has also filed a suit against the private respondent No.7 herein and against M/s.Sembcorp Wind Power, Thoothukudi in OS No.39 of 2024 before the Principal District Munsif, Ottapidaram.

9.The said suit has been filed by the petitioner for a permanent injunction to restrain the defendants therein, which includes the 7th respondent herein from interfering with the peaceful possession and enjoyment of the land in the schedule property in respect of which the petitioner was obtained a Government Order for developing a Thermal Power Plant.

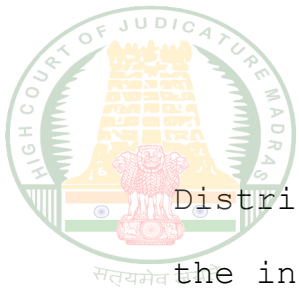


10. There is also a parallel litigation in respect of the above suit in this court in CRP(MD)No.2040 of 2024, wherein the petitioner had challenged the order passed by the District Munsif-cum-Judicial Magistrate, Ottapidaram, on 01/08/2024 in IA No.2 of 2024 in OS No. 39 of 2024.

11. It appears that the petitioner had originally secured an injunction, which later vacated by the District Munsif-cum-Judicial Magistrate, Ottapidaram. Thus, the petitioner approached this court under Article 227 of the Constitution of India in CRP(MD)No. 2040 of 2024. The court has allowed the CRP on 20/09/2024.

12. The learned Standing counsel appearing for the 6th respondent would submit that the petitioner had wrongly given the name of the 6th respondent as 'Sembcorp Wind Power'. It is submitted that the actual name of the respondent is 'Sembcrop Green Infra Private Limited'.

13. It is submitted that to that effect, counter affidavit has been filed in OS No.39 of 2024 before the



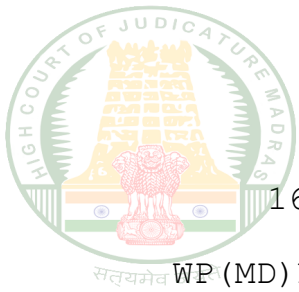
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District Munsif-cum-Judicial Magistrate, Ottapidaram in
the interlocutory application.

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14.It is noticed that the petitioner has also earlier approached this court in WP(MD)No.16421 of 2024 against some of the official respondents and against the said Sembcorp Green Infra Private Limited and the The 7th respondent herein namely Excelltech Wind India Private Limited, who according to the learned counsel for the 6th respondent ought to have been impleaded as defendants in OS No.39 of 2024 pending on the file of the District Munsif-cum-Judicial Magistrate, Ottapidaram.

15.The said writ petition appears to have been filed for a Mandamus to direct the respondents 1 to 3 therein to consider the representation, dated 21/06/2024 of the petitioner to prevent the alleged encroachment by the 4th and 5th respondents therein namely M/s.Sembcorp Green Infra Private Limited, Tuticorin and M/s.Excelltech Wind India Private Limited, the 7th respondent herein.



16.The names of the respondents 4 and 5 in

WP(MD)No.16421 of 2024 are as under:-

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"4.M/S.SEMBCORP GREEN INFRA PRIVATE LIMITED,
REPRESENTED BY ITS AUTHORIZED SIGNATORY,
HAVING ITS REGISTERED OFFICE AT
BUILDING 7A, LEVEL 5,
DLF CYBER CITY,
GURUGRAM-122 002.
HAVING ITS PROJECT OFFICE AT
MADURAI-THOOTHUKUDI BY PASS ROAD,
NEAR PERUMAL KOVIL,
VALASAMUTHIRAM VILLAGE,
OTTAPIDARAM TALUK,
TUTICORIN.

5.M/S.EXCELLTECH WIND INDIA PRIVATE LIMITED,
REPRESENTED BY ITS AUTHORISED SIGNATORY,
DOOR NO.4/319, ANUPATTY ROAD,
VENKITAPURAM,
PALLADAM-641 665.
TIRUPUR DISTRICT."

17.The prayer in the writ petition is reproduced
below:-

*"To issue a Writ of Mandamus,
directing the respondents 1 to 3 to
consider the petitioners
representation, dated 21/06/2024 to
prevent the encroachments made by
the respondents 4 and 5 by erecting
the electric poles in the water
channels and its bund, running
across the Survey Nos.161/3A,
171/1C, 182/3B, 182/5A, 190/1,
190/5C, 192/1G, 192/2A and 196 of
Ottapidaram Village, Ottapidaram*



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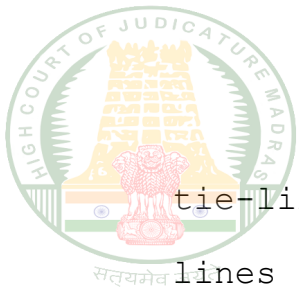


Taluk, Tuticorin District and to remove the electric poles already erected in the water channels and its bund."

18. In the present case, the petitioner has wrongly given the name of the 6th respondent as M/s.Green Infra Wind Energy Limited. The statement of the learned counsel appearing for the 6th respondent is taken on record stating that the name of the 6th respondent should be **'M/s.Sembcor Green Infra Private Limited'**.

19. Thus, it is evident that the petitioner has approached this court for the second time, once before a Division Bench of this court in WP(MD)No.16421 of 2024 for the above mentioned relief and now for the present relief in this writ petition.

20. That apart, it is noticed that the petitioner has already approached the Civil Court in OS No.34 of 2024 for almost an identical relief. Therefore, there is no scope for entertaining the writ petition. That apart, in terms of section 10(1) of the Electricity Act, 2003, it is for the generating company to establish, operate and maintain generating stations,



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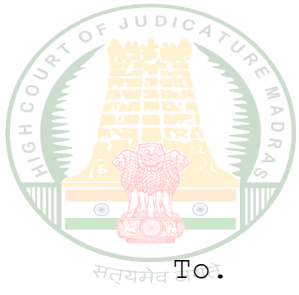
tie-lines, sub-stations and dedicated transmission lines connected therewith in accordance with the provisions of the Act or the Rules or Regulations made therein. As such, the official respondents have no role in so far as establishing, operating and maintaining the generating stations, tie-lines, sub-stations and dedicated transmission lines under the circumstance.

21.It is for the petitioner to work out the remedy against the private respondents before a civil court, which the petitioner has opted, although, it appears that the petitioner has given the wrong name of the one of the respondents herein.

22.In view of the above, this writ petition is liable to be dismissed and is accordingly **dismissed**. The statement of the learned counsel appearing for the official respondents that no activity is undertaken by the Electricity Department stands recorded. No costs. Consequently, connected Miscellaneous Petition is closed.

13/08/2025

Internet :Yes/No
Index :Yes/No
NCC : Yes/No
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To.

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- 1.The District Collector,
Thoothukudi.
- 2.The Government Advocate,
Madurai Bench of Madras High Court,
Madurai.



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C . SARAVANAN , J

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