



W.P(MD)No.20909 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.20909 of 2018
and
W.M.P(MD)Nos.17014 & 17015 of 2018**

K.Chinraj

... Petitioner

vs.

- 1.Chief Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.
- 2.District Collector,
Tuticorin Collector Office,
Tuticorin – 628 101.
- 3.Chief Engineer,
Non Conventional Energy Sources (NCES),
Tamil Nadu Electricity Board,
No.144, Anna Salai,
Chennai – 600 002.
- 4.Chief Engineer,
Tamil Nadu Pollution Control Board,
76 Mount Road, Guindy,
Chennai – 600 032.

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- 5.M/s.Gamesa Renewable Private Limited,
No.334, The Futura IT Park, Block-B,
8th Floor, Rajiv Gandhi Salai,
Sholinganallur,
Chennai - 600 119.
- 6.M/s.Ge India Industrial Private Limited,
Division Wing Energy 601, 6th Floor,
Tower B, RMZ Infinity, Old Madras Road,
Bangalore - 560 016.
- 7.M/s.Gobal Wind Power Limited,
No.15, Soundara Pandiyan Street,
Ashoknagar,
Chennai - 600 093.
- 8.M/s.Leitwind Shriram Manufacturing Limited,
No.D-17, Sipcot Industrial Complex,
Gummidipoondi 601 201,
Thiruvallur District.
- 9.M/s.Nupower Technologies Private Limited,
Equinox Business Park,
Off Bandra Kurla Road,
L.B.S. Road, Kurla (W),
Mumbai - 400 070.
- 10.M/s.Pasl Wind Solutions Private Limited,
Plot No.34-35 Phase -I, G.I.D.C,
Vatva Ahmedabad,
Gujarat - 382 445.
- 11.M/s. Regen Powertech Private Limited,
KRM Plaza, North Tower, 7th Floor No.2,
Harrington Road, Chetpet, Chennai-31.



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- 12.M/s.RRB Energy Limited,
182/2, by Pass Road, Poonamalle, Chennai-56.
- 13.M/s.Suzion Energy Limited,
Tree Lounge, Level 0, Left Wing, One Earth,
Opposite Magarpatta City, Hadapsar,
Pune – 411 028.
- 14.M/s. Vestas Wind Technology India Private Limited,
298, Rajiv Gandhi Salai,
Sholinganallur, Chennai – 119.
- 15.M/s.Wind World (India) Limited,
Wind World Towers, Plot No.A-9,
Veera Industrial Estate,
Veera Desai Road,
Andheri-West, Mumbai - 400 053.
- 16.M/s. Winwind Power Energy Private Limited,
Mena Kampala Arcade,
113/114, 3rd Floor, A Block, B Wing,
Sir Theyagaraya Road,
T.Nagar, Chennai - 600 017.
- 17.M/s.Shriram Epc Limited,
18/3, 4th Floor, Sigappiachi Building,
Rukmani Lakshmipatti Salai,
(Marshalls Road) Egmore,
Chennai-8.
- 18.M/s.Siva Windturbine India Private Limited,
12/A, Kandampalayam,
Perundurai,
Erode District.



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- 19.M/s. Southern Wind Farms Private Limited,
No.15, Soundara Pandian Street,
Ashok Nagar,
Chennai - 600 083.
- 20.M/s.Para Enterprises Private Limited,
30/1A, Harrington Chambers, II Floor,
B Block Abdul Razaq 1st Street, Saidapet,
Chennai - 600 015.
- 21.Elecon Engineering Company Limited,
P.B.No.6, Anand Sjuritra Road,
Vallabh Vidyanagar - 388 120,
Anand District,
Gujarat, India.
- 22.Das Lagerwey Wind Turbines Limited,
Developed Plot No. 35, Guindy Industrial Estate,
Guindy, Chennai - 600 032.
- 23.Inox Wind Limited,
Inox Towers, Plot No.17, Sector 16.A,
Noida - 201 301, Uttar Pradesh.
- 24.Chettinad Power Corporation Private Limited,
9th Floor, Rani Seethai Hall Building,
603, Anna Salai, Chennai - 600 006.
- 25.Kenersys India Limited,
Ecc Training Centre, Survey No.15,
Keshavnagar, Pune - 411 036, Maharashtra.
- 26.Purushothama Perunal Renewable Energy Private Limited,
87, Krishna Arcade, Old No. 36, New No. 10,
Rajabether St., T.Nagar,
Chennai - 600 017.

... Respondents



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in W.M.P(MD)No.21590 of 2019).

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to do their duty of the remove the unlawful, dwelling the wind turbine in resident area, Village habitation area and give the compensation to the affected person and agriculture land from wind turbine companies.

For Petitioner	: Mr.K.Chinraj (Party-in-Person)
For RR 1 & 2	: Mr.P.Thilak Kumar Government Pleader
For R – 4	: Mr.Mohamed Abdul Rasiq for Mrs.Madhuri Donti Reddy
For R – 5	: Mr.B.Muruganandam
For R – 21	: Mr.R.Prabhakaran
For R – 24	: Mr.K.Prabhakar
For RR 7, 9, 14, 16, 19, 20 & 25	: No appearance
For RR 3, 6, 8, 10, 11, 12, 13, 15 to 18, 22, 23 and 26	: Not ready in notice



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ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The writ of Mandamus has been instituted to direct the respondents to perform their duty by removing the unlawful wind turbines situated in residential and Village habitation areas and to provide compensation to the affected individuals and agricultural landowners by the wind turbine companies.

2.The learned counsel appearing for the petitioner would mainly contend that the wind turbines installed in wind mills in Tuticorin District are causing pollution, including noise pollution. Therefore, actions are to be initiated to remove all the wind turbines in Tuticorin District.

3.In this regard, the Tamil Nadu Pollution Control Board in its counter affidavit, has categorically stated that previously, complaints were received from the applicant through the Board's online complaint portal, vide complaint ID 05356540 dated 29.06.2018 and complaint ID 021169030 dated 26.07.2018 regarding the issues caused by the wind turbines. Subsequently, vide letter dated 17.02.2021, the complaint was forwarded by TNPCB to the Managing

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Director, Tamil Nadu Energy Development Agency, Chennai for further necessary action. Vide letter dated 17.02.2021, the same was conveyed to the petitioner stating that the wind turbines are categorized as 'White' category industries as per TNPCB B.P.No.6 dated 02.08.2016 (vide Sl.No.35, Industry type 4035 – wind and solar power plants of all capacities and mini hydel power plant of capacity 25 MW) issued based on CPCB direction dated 07.06.2016. According to the CPCB direction dated 07.06.2016, issued for harmonization of categorization of industries, there is no necessity for obtaining consent to operate 'White' category industries and an intimation to the concerned SPCB shall suffice. Hence, wind turbine units need not obtain consent from the TNPCB under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

4.Wind mills fall under the green energy producing category. Therefore, this Court, in the present Writ Petition, cannot issue a direction to close the wind mills. In the event of any serious pollution or violations, the petitioner is at liberty to approach the National Green Tribunal under the provisions of the Act.



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5. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S.,J.] & [A.D.M.C.,J.]
12.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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and
DR.A.D.MARIA CLETE, J.

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ORDER MADE IN
W.P(MD)No.20909 of 2018

DATED : 12.06.2025

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