

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.28471 of 2014

And

M.P.No.1 of 2014

Tamil Nadu Fly Ash Bricks and Block's
Manufactures Association
rep. by its President Mr.D.S.Saravanan Petitioner

Vs.

- 1.Union of India
Rep., by its Deputy Director
Ministry of Environment & Forest,
146, Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi.
- 2.The Central Pollution Control Board
Represented by its Chairman
Parivesh Bhawan, CBD-cum-Office Complex
East Arjun Nagar,
New Delhi 110 032.
- 3.The State of Tamil Nadu,
rep., by its Secretary
Environment & Forest Department,
Fort St., George,
Chennai 600 009.
- 4.The Tamil Nadu Pollution Control Board
rep., by its Regional Officer/Director,
Anna Salai, Guindy, Chennai 600 032.
- 5.Govt., of Tamil Nadu
rep., by its Secretary to Government
Home Department,
Fort St., George,
Chennai 600 009.
- 6.The Tamil Nadu Police Housing Corporation Ltd.,
(a Govt. of Tamil Nadu Undertaking)
Rep. by its Managing Director
132, Periyar EVR Salai, Kilpauk
Chennai 600 010.

7.The Executive Engineer
Tamil Nadu Police Housing Corporation Ltd.,
Melakottaiyur Project (Own Your Home)
Melakottaiyur, Chennai 600 127

8.M/s.Ramalingam Construction Co. Ltd
Rep by its General Manager
Flat No.D-1 "Vijaya Raghava Manor"
Off Anna Salai, Teynampet
Chennai 600 018.

... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to make it mandatory the use of Fly Ash Bricks in the Melakottaiyur Project viz: the Construction of Multi Storied Residential Flats, numbering 2673 flats, to house DSPs/Inspector of Police/Sub-Inspector of Police/Head Constables/ Constables on 47.6 Acres of land situate at Melakottaiyur, Chennai 600 127, in terms of the Notification No.S.O: 763 (E) dated 14.9.1999 as amended by amendment Notification No.S.O.:2804 (E) dated 3.11.2009 issued under sub-section (1) read with Clause (v) of sub-section (2) of Section 3 and Section 5 of The Environment (Protection) Act, 1986 (Central Act No.29 of 1986).

For Petitioner : Mr.Rathina Asohan

For Respondents: Mr.S.Haja Mohideen Gisthi for R1
CGSC

Mr.R.Vijayakumar for R5
Additional Government Pleader

Mr.N.Inbanathan for R3
Government Advocate

*** Mr.Abdul Saleem for Respondents 6 and 7**

M/s.K.M.Vijaya Associates

Mr.Shivakumar for R8.

O R D E R

The petitioner is an association of the Tamil Nadu Fly Ash Bricks and Block's Manufactures and they seek for a direction upon the respondent namely the Tamil Nadu Police Housing Corporation and its contractors to use fly ash bricks in their Melakottaiyur Project for the Construction of 2673 flats as Multi Storied Residential Flats for the Deputy Superintendent of Police/Inspector of Police/Sub-Inspector of Police/Head Constables/ Constables in an extent of 47.6 Acres of land.

2.Heard both sides.

3.The petitioner would state that there is a mandatory requirement to comply with the demand made by the petitioner in the light of the notification issued under the provisions of sub-section (1) read with Clause (v) of sub-section (2) of Section 3 and Section 5 of The Environment (Protection) Act, 1986 (Central Act No.29 of 1986) Notification No.S.O: 763 (E) dated 14.09.1999 as amended by amendment Notification No.S.O.:2804 (E) dated 03.11.2009.

4.Counter affidavit has been filed by the respondents 6 and 7 in the writ petition. From the counter affidavit, it is seen that in respect of the project which the petitioner states, it is a 'own your house' project and the persons who are allotted are bound to pay the cost and the construction is undertaken by the Police Housing Corporation. It is stated that in respect of the said project, the work order was issued on 12.04.2013 and the construction has been fully completed. In this regard, photographs are also produced by the sixth respondent. Further, the sixth respondent in counter affidavit in paragraph no.9 has stated as follows:

"9.I state that however, in compliance with the Government orders issued in this regard Tamil Nadu Police Housing Corporation Limited is utilising the fly ash bricks in the following construction projects:

- a.Construction of Rural Police Station at Hasanur in Erode District.
- b.Construction of 36 PC/HC Quarters at Sathiyamangalam in Erode District.
- c.Construction of Model School Building at Ennamangalam in Erode District.
- d.Construction of Model School Building at Mallur in Salem District.
- e.Construction of Model School Building at Veerapandi in Salem District.
- f.Construction of Model School Building at Avadathur in Salem District.
- g.Construction of 2 DSP, 2 Inspector and 437 PC/HC quarters at Thoothukudi in Thoothukudi District.
- h.Construction of Administrative block at Thoothukudi AR in Thoothukudi District.
- i.Construction of 144 PC/HC quarters at Thoothukudi in Thoothukudi District.
- j.Construction of District Jail at Perurani in Thoothukudi District.
- k.Construction of one Addl. Superintendent, one Jailor, six Deputy Jailor and 45 Warden Quarters at Perurani in Thoothukudi District.
- l.Construction of 59 PC/HC quarters at Vadivel Nagar in Karur District.
- m.Construction of 48 PC/HC quarters at TSP Bn., in Trichy Dist."

5.Further, it is stated that the Tamil Nadu Police Housing Corporation Limited has evolved a proposal for manufacturing fly ash bricks unit at Puzhal Prison Complex utilizing the services of the inmates of the Puzhal Prison Complex by using fly ash available from the thermal power station at Ennore and it is further stated that the fly ash bricks will be used in the Tamil Nadu Police Housing Corporation Limited projects.

6.The learned counsel appearing for the petitioner submitted that notification was issued in the year 1999 and the petitioner had issued a notice to the sixth respondent to comply with the notification and inspite of the same, the sixth respondent has not complied with the notification.

7.It is seen that the notice issued by the petitioner to the respondent Tamil Nadu Police Housing Corporation was received on 23.07.2014 whereas, the project in question has been handed over on 14.06.2013 and the work has commenced using chamber bricks. Furthermore, it has been pointed out that the project is 'own your house' project, where the concerned police officers who are the allottee pay the cost of the flat and there is also a specific request made by the allottees to use chamber bricks and the Tamil Nadu Police Housing Corporation processed the entire contract much prior to the notice being issued by the petitioner.

8.In such circumstances, this Court is of the view that the project which the petitioner has referred to having already been completed, the question of directing the sixth respondent to use fly ash bricks for those flats does not arise. Accordingly, to that extent the writ petition is dismissed. With regard to the other contentions raised by the petitioner, it would suffice to record the stand taken by the Tamil Nadu Police Housing Corporation Limited in paragraph no. 9 of their counter affidavit.

9.This writ petition is dismissed with the above observations. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

Dated:13.3.15

***Corrected order to be issued**

Sd/- Assistant Registrar

Dated : 8.5.2015

True Copy

Sub Assistant Registrar

To

1. Deputy Director
Ministry of Environment & Forest,
146, Paryavaran Bhawan, CGO Complex
Lodhi Road, New Delhi.
2. The Central Pollution Control Board
Represented by its Chairman
Parivesh Bhawan, CBD-cum-Office Complex
East Arjun Nagar,
New Delhi 110 032.
3. The Secretary
State of Tamil Nadu,
Environment & Forest Department,
Fort St., George,
Chennai 600 009.
4. The Regional Officer/Director,
Tamil Nadu Pollution Control Board
Anna Salai, Guindy, Chennai 600 032.
5. The Secretary to Government
Govt., of Tamil Nadu
Home Department,
Fort St., George,
Chennai 600 009.
6. The Managing Director
Tamil Nadu Police Housing Corporation Ltd.,
(a Govt. of Tamil Nadu Undertaking)
132, Periyar EVR Salai, Kilpauk
Chennai 600 010.
7. The Executive Engineer
Tamil Nadu Police Housing Corporation Ltd.,
Melakottaiyur Project (Own Your Home)
Melakottaiyur, Chennai 600 127.

To be Substituted to
the Order already
despatched and made
herein.

+1 cc to Mr.Rathina Asohan, Advocate,SR.12892
+1 cc to Mr.Abdul Saleem, Advocate,SR.13824.
+1 cc to M/s.K.M.Vijayan Associates,SR.22761

sk(co)
krd 18/3

W.P.No.28471 of 2014
And
M.P.No.1 of 2014

CA(08/05/2015)