

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.10724 OF 2011

DATED:5-8-2015

Between:

Siri Pipes Company
House No.3-4-551, Aruna Arcade
Narayanaguda
Hyderabad
Rep. by its Managing Partner
T. Raghava Reddy
and another

... Petitioners

And

The Board of Chief Engineers
(Scheduled Rates) represented by its
Chairman, Office of the Engineer-in-Chief
(Irrigation Wing),
Irrigation & Command Area Development (CAD) Department
Errum Manzil, Hyderabad
and others

... Respondents

... Respondents

COUNSEL FOR THE PETITIONERS: None appeared

COUNSEL FOR RESPONDENT NOs.1 & 2: A.G.P. for Irrigation and
Command Area Development

COUNSEL FOR RESPONDENT NO.3: Ms. G. Sailaja, for
Mr. B. Chandrasen Reddy

THE COURT MADE THE FOLLOWING:
ORDER:

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This writ petition is filed for a mandamus to declare the action of the respondents in inserting the words 'Mazza Process' in the description of Asbestos Cement Pressure pipes as mentioned in page Nos.61 to 64 of the manual 'Schedule of Rates as per Andhra Pradesh Revised Standard Data for the year 2010-2011', contrary to the specification in IS:1592-2003 of respondent No.2, as illegal and arbitrary.

At the hearing, in the pre-lunch session Mr. M. Govind Reddy, learned counsel, requested for a pass over by stating that Mr. B. Vijaysen Reddy, learned counsel, is appearing for the petitioners. In the post-lunch session, when the case was called, no one appeared for the petitioners.

The learned Assistant Government Pleader for Irrigation (TS) submitted that following the judgment in *Kalyaneshwari v. Union of India* ^[1], wherein the Supreme Court has *inter alia* directed the Union of India and the States to review safeguards in relation to primary as well as secondary exposure to asbestos keeping in mind the information supplied by the respective States in furtherance of the earlier judgment as well as the fresh resolution passed by the Internal Labour Organization, the State Government of Telangana has issued Memo No.146/T2/SoR/2014-15/2014, dt.30.6.2014, wherein the Chief Engineer (PH) directed the Superintending Engineers (PH) West Circle and Warangal Circle and Executive Engineers (PH) to instruct the Municipal Commissioners in their respective jurisdiction not to include R.C.C. and A.C. Pipes in the water supply projects/schemes. It was further directed that in the ongoing proposals/schemes, which

are already provided with R.C.C. and A.C. Pipes the same shall be restricted to the already procured pipes and in future all procurement of R.C.C. and A.C. Pipes shall be stopped forthwith. The learned Assistant Government Pleader has further submitted that challenging this Memo, the impleaded respondent, i.e., respondent No.3, has filed W.P. No.1325 of 2015 and the same is pending.

Inasmuch as post writ petition, the State Government has banned usage of asbestos cement pipes, the impugned proceedings have lost their relevance and hence the cause in the writ petition does not survive for adjudication. It is, however, made clear that if the State Government revises its policy, either on its own or in pursuance of any judgment of this Court, and lifts the ban on use of asbestos pipes, the petitioners shall be free to avail appropriate legal remedy, if the cause survives.

The writ petition is accordingly dismissed as infructuous.

As a sequel to dismissal of the writ petition, W.P.M.P. No.39799 of 2011 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

5-8-2015

bnr

[\[1\]](#) (2011) 3 SCC 287