

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. Nos.14127 to 14129 of 2011
and M.P.Nos.1, 1 and 2 of 2011

Tamil Nadu Fly Ash Bricks and Blocks
Manufacturers Association, Rep. By its
Secretary, Mr.Thulasi Raman. .. Petitioner in all WPs.

-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 REP. 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 AND
FOREST DEPARTMENT FORT ST. GEORGE CHENNAI-9.
- 4 THE TAMIL NADU POLLUTION
CONTROL BOARD REP. BY ITS REGIONAL OFFICER/
DIRECTOR ANNA SALAI GUINDY CHENNAI-32.
- 5 THE TAMIL NADU GENERATION &
DISTRIBUTION CORPORATION LTD REP. BY ITS
CHAIRMAN 800 ANNA SALAI CHENNAI-2.
- 6 ENNORE THERMAL POWER STATION
(UNIT OF TAMIL NADU GENERATION &
DISTRIBUTION CORPN. LTD) REP. BY ITS CHIEF
ENGINEER ENNORE CHENNAI-120.
- 7 THOOTHUKUDI THERMAL POWER
STATION (UNIT OF TAMIL NADU GENERATION &
DISTRIBUTION CORPN. LTD)
REP. BY ITS CHIEF ENGINEER THOOTHUKUDI-4.

- 8 NORTH CHENNAI THERMAL POWER
STATION (UNIT OF TAMIL NADU GENERATION &
DISTRIBUTION CORPN. LTD) REP. BY ITS CHIEF
ENGINEER CHENNAI-120
- 9 METTUR THERMAL POWER STATION
(UNIT OF TAMIL NADU GENERATION &
DISTRIBUTION CORPN. LTD) REP. BY ITS CHIEF
ENGINEER METTUR DAM-6.
- 10 HI-TECH FLY ASH (INDIA)
ENT. PVT. LTD (FORMERLY KNOWN AS HITECH
ENT) REP. BY ITS VICE-PRESIDENT G.SUNDER
RAJU 2/101-5 THIRUCHENURE ROAD
MUTHIAPURAM TUTICORIN-628 005.
- 11 ARK WOOD & METAL INDUSTRIES
(P) LTD NO.13 ASHA APARTMENTS TATABAD II
STREET COIMBATORE-641 012.
- 12 CHETTINAD CEMENT CORPORATION
LTD KUMARARAJA MUTHAIAH NAGAR PULIYUR PO-
639 114 KARUR DISTRICT.
- 13 INDIA CEMENTS LTD
SHANKAR NAGAR TIRUNELVELI-627 357.
- 14 MADRAS CEMENTS LTD
RAMASWAMY RAJA NAGAR 626 204 VIRUDHUNAGAR
DISTRICT.
- 15 GRASIM INDUSTRIES LTD
CEMENT DIVISION-SOUTH REDDIPALAYAM-621 704
ARIYALUR TALUK & DISTRICT.
- 16 ACC LTD
MADUKKARAI CEMENT WORKS MADUKKARAI PO
COIMBATORE-641 105 REP. BY ITS DIRECTOR K.
BALACHANDRA
- 17 ULTRA TECH CEMENTS LTD
ARAKKONAM CEMENT WORKS CHETTER PO-631 003
ARAKKONAM TK VELLORE DT.
- 18 SAKTHI GUHAN CONSTRUCTION
PRODUCTS REP. BY ITS PARTNER MR.S.KUMARAN
THIRUVANAUKARAM 32/1 KARIYAKALI NAGAR
MODAKURICHI PO-638 104 ERODE TALUK & DISTRICT.

- 19 RMC READYMIX (INDIA)
(A DIVISION OF PRISM CEMENTS LTD) REP. BY
ITS SENIOR MANAGER (ACCOUNTS) S.
KRISHNAMURTHY AC-26 SIDCO INDL. ESTATE
THIRUMUDIVAKKAM CH-44.
- 20 ASH TECH (INDIA) PVT. LTD
12 JAWAHARLAL NEHRU ROAD (I FLOOR)
RATHINAPURI KOYAMBEDU CHENNAI-107.
- 21 TRISHUL CONCRETE PRODUCTS
PVT. LTD 46-A C.P.RAMASWAMY IYER ROAD
ABIRAMAPURAM CHENNAI-18.
- 22 TVH CONCRETE PRODUCTS
TIRVENI NO.21 C.V.RAMAN ROAD ALWARPET
CHENNAI-600 018.
- 23 CHENNAI ASH TECH COMPANY
PAPPAN THOTTAM 2/853 HIGH SCHOOL ROAD
DHANAM GARDEN NALLUMICHEMPATTI COIMBATORE-
641 021.
- 24 TAMIL NADU ASH TECH PVT. LTD
NO.195 PACHA COMPLEX N.H.ROAD
COIMBATORE-641 001. .. Respondents in all WPs.

Petitions filed under Article 226 of the Constitution of India praying for issue of (i) WP.14127/2011 - Writ of Declaration to declaring that the units manufacturing fly ash based bricks, blocks and tiles including the members of the petitioner association shall be entitled to get the supply of dry ESP fly ash, to their respective maximum manufacturing capacity, as per the Capacity Certificate, from respondents 5 to 9 free of charge on priority basis over the other users; (ii) WP.14128/2011 - Writ of Mandamus to direct respondents 1 to 4 to discharge their duties to ensure due compliance of the terms of the notification dated 03.11.2009 and ensure supply of fly ash to the brick manufacturers; and (iii) WP.14129/2011 - Writ of Mandamus to direct respondents 5 to 9 not to make any supply of fly ash on the Contracts/MOU's entered by respondents 5 to 9 with respondents 10 to 24, prior to 03.11.2009.

For Petitioner : Mr.Rathina Asohan

For Respondents : Mr.Su.Srinivasan
Asst. Solicitor General for R-1
: Mrs.Rita Chandrasekar for RR-2&4

: Mr.M.K.Subramanian Spl.G.P.(F)
FOR R3
Mr.P.R.Dilipkumar for RR 5 & 8
: Mr.K.M.Balaji for R-10
: Mr.V.P.Sengottuvel for RR 11 & 24
: Mr.Sathish Parasaran, Sr.C.
For Mr.R.Parthasarathy / RR 12-14
: Mr.S.Giritharan for R-18
: Mr.Thangasivan for R-19
: Mr.Jayesh B.Dolia for R-22
for M/s.Aiyar & Dolia
: Mr.N.Damodharan for R-23
: Not ready in notice - RR 6, 7, 15,
16, 20 and 21
: No appearance for RR 9 and 17

* * * * *
O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

It is not disputed before us that the priority in allotment for the benefit of the brick manufacturers from fly ash is for at least 20%. Thus, the respondents can always give more, but the manufacturers cannot claim a right of priority beyond 20%.

2.We are, thus, of the view that no such direction can be passed as prayed for.

3.Writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

sra

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1 THE DEPUTY DIRECTOR
UNION OF INDIA, MINISTRY OF ENVIRONMENT
& FOREST 146 PARYAVARAN BHAWAN
CGO COMPLEX LODHI ROAD NEW DELHI.
- 2 THE CHAIRMAN,
THE CENTRAL POLLUTION CONTROL BOARD,
PARIVESH BHAWAN CBD-CUM-OFFICE COMPLEX
EAST ARJUN NAGAR
NEW DELHI-110 032.

- 3 THE SECRETARY,
THE STATE OF TAMIL NADU
ENVIRONMENT AND FOREST DEPARTMENT
FORT ST. GEORGE CHENNAI-9.
- 4 THE REGIONAL OFFICER/DIRECTOR
THE TAMIL NADU POLLUTION CONTROL BOARD
ANNA SALAI GUINDY CHENNAI-32.
- 5 THE CHAIRMAN
THE TAMIL NADU GENERATION & DISTRIBUTION
CORPORATION LTD
800 ANNA SALAI CHENNAI-2.
6. THE CHIEF ENGINEER,
ENNORE THERMAL POWER STATION
(UNIT OF TAMIL NADU GENERATION &
DISTRIBUTION CORPN. LTD) ENNORE,
CHENNAI-120.
- 7 THE CHIEF ENGINEER
THOOTHUKUDI THERMAL POWER
STATION (UNIT OF TAMIL NADU GENERATION &
DISTRIBUTION CORPN. LTD)
THOOTHUKUDI-4.
- 8 THE CHIEF ENGINEER
NORTH CHENNAI THERMAL POWER STATION
(UNIT OF TAMIL NADU GENERATION &
DISTRIBUTION CORPN. LTD)
CHENNAI-120
- 9 THE CHIEF ENGINEER
METTUR THERMAL POWER STATION
(UNIT OF TAMIL NADU GENERATION &
DISTRIBUTION CORPN. LTD)
METTUR DAM-6.

+ 1 CC TO MR.V.P.SENGOTTUVEL, ADVOCATE SR 41328

+ 1 CC TO MR.RATHINA ASOHAN, ADVOCATE SR 41988

+ 1 CC TO MR.SATHISH PARASARAN, ADVOCATE SR 41460

KR/18/8/16

W.P.Nos.14127 to 14129 of 2011