

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2016

Coram

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.21327 of 2015  
and  
M.P.No.1 of 2015

U.C.Palanisamy

...Petitioner

Vs.

1. The Superintending Engineer ( O & M)  
Tamil Nadu Generation and Electricity  
Distribution Corporation Ltd.,  
Tamil Nadu Electricity Board,  
Erode Electricity Distribution System,  
Erode.
2. The Assistant Engineer ( O & M)  
Tamil Nadu Generation and Electricity  
Distribution Corporation Ltd.,  
Tamil Nadu Electricity Board,  
Arachalur, Erode District.
3. The Assistant Engineer ( O & M)  
Tamil Nadu Generation and Electricity  
Distribution Corporation Ltd.,  
Tamil Nadu Electricity Board,  
Kasthuriba Gramam,  
Erode Taluk & District.
4. The Collector,  
Erode District.
5. Samiyappan
6. Velusamy  
( R-4 to R-6, are suo motu impleaded in this W.P.  
as per order, dated 06.08.2015).
7. The Tamil Nadu Pollution Control Board,  
76, Anna Salai, Guindy, Chennai 600 032.  
(R-7, is suo motu impleaded as per order,  
dated 17.08.2015 passed by NKKJ)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 to 3 to act as per the provisions of the terms and conditions of the Tamil Nadu Electricity Laws, consequently, to direct the third respondent to receive the prescribed application fee from the petitioner for giving effect to the electricity service connection to the petitioner coconut pith products situated in R.S.No.912/1, Azhagugoundenvalasu, Arachalur Vial, Erode Taluk and District.

For Petitioner : Mr.C.Prakasam

For Respondent-1 to 3 : Mr.S.K.Rameshwar  
Standing Counsel (TNEB)

For Respondent - 4 : Mr.R.Rajeswaran  
Special Government Pleader

For Respondent- 5 & 6 : Mr.N.Manokaran

For Respondent-7 : Mrs.Rita Chandrasekaran

#### O R D E R

The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the respondents 1 to 3 to act as per the provisions of the terms and conditions of Tamil Nadu Electricity Laws, and further, to direct the third respondent to receive the petitioner's application fee for giving electricity service connection to the petitioner's coconut coir products Units established at R.S.No.912/1, Azhagugoundenvalasu, Arachalur Vial, Erode Taluk and District.

2. Heard the learned counsels appearing for the respective parties.

3. In order to effectively adjudicate the matter, this Court, suo motu, impleaded respondents 4 to 7 as parties to the case, and the seventh respondent, being Tamil Nadu Pollution Control Board. From time to time, this Court has been issuing several interim directions, and, it may not be necessary to refer to all those directions, and it would suffice and apposite to note the relevant direction, i.e, the direction issued on 01.12.2015, which is extracted hereunder:-

" In the light of the above, there will be a direction to the seventh respondent to consider the petitioner's application, dated 10.09.2015, and submit a report to this Court with regard to the feasibility, and as to whether an

establishment of the Industry in the area would have an impact on the environment for which purpose, the Pollution Control Board is entitled to authorise his Officers to conduct a fresh inspection of the area, and also hold a discussion with the adjacent land owners (in particular the respondents 5 and 6 by recording their views. Thereafter, the seventh respondent Board is directed to submit a report before this Court".

4. Pursuant to the above direction, the seventh respondent/Pollution Control Board had filed a report, setting out their recommendations, and stating that the issue of grant of consent for establishment of the subject Industry may be considered in accordance with law, subject to the following conditions:-

" i) The unit shall comply the orders of Hon'ble High Court in W.P.No.21327 of 2015, and the order of Hon'ble NGT (Southern Bench), Chennai in Application No.114 of 2015.

ii) The unit shall not commission the unit without consent to operate from the Board.

iii) The unit shall not use water in the process at any stage as assured.

iv) The unit shall cover the drying of coir pith with adequate tarpaulins during raining and shall provide adequate collection tank for the open concrete yard if any water collected in the drying yard during raining and shall be used for gardening after satisfying the standards prescribed by the Board.

v) The unit shall comply the emission and ambient air quality standards prescribed by the Board.

vi) The unit shall cover all the conveyors at top and provide closed collection system with impervious floor for the final coir pith reject from the screener so as to avoid dust emission.

vii) The Unit shall use the open concrete yard only for the drying of coir pith block manufacturing process without water spraying method.

viii) The unit shall ensure that approach road within the premises shall be of either concreted or with bitumen road.

ix) The unit shall not dry coconut fibre on the roads and along the banks of LBP canal.

x) The unit shall obtain all statutory clearances] from competent authorities.

5. Parallely, the fifth respondent herein had filed an application before the National Green Tribunal (NGT) Southern Zone, being Application No.114 of 2015, stating that the writ petitioner (fourth respondent therein) is illegally operating the coconut coir production Unit, without obtaining consent of the Pollution Control Board, and if this Unit is allowed to operate, then, the drinking water will become highly polluted, and by storing the coir products in the open area, it will cause hazard to the agricultural activities carried out in that locality, and the salinity level in the nearby lands will come up. The NGT was apprised of the fact that this Writ Petition is pending before this Court, at the instance of the petitioner/fourth respondent therein. NGT passed a final order on 3.02.2016, noting the report of the seventh respondent/Tamil Nadu Pollution Control Board, and making it clear that, while considering the application of the petitioner for grant of consent, the Pollution Control Board has to adhere to the conditions imposed by NGT, and any other conditions, which the Pollution Control Board deems fit and proper.

6. The learned counsel appearing for the fifth and sixth respondents submits that in the Application filed by the fifth respondent herein, order has been passed by NGT only on 03.01.2016, and the fifth respondent proposed to challenge the said order before appropriate forum.

7. Be that as it may, the seventh respondent/Pollution Control Board has submitted a report, imposing certain conditions, and in the report, which has been set out in the preceding para, the seventh respondent/Pollution Control Board would state that the application for grant of consent for establishment of an Industry is required to be filed via., online and the same would be considered in according to law, and subject to certain conditions, as mentioned supra.

8. Therefore, in the light of the direction issued by NGT, it is open to the seventh respondent/Pollution Control Board to proceed further in the matter. If necessary, on their authorisation, the petitioner would be permitted to approach the Electricity Board for any temporary electricity supply without any opinion of the Pollution Control Board, which is required for assessment of application for grant of consent for establishment of Industry, as and when applied for by the petitioner/fourth respondent.

9. In the light of the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

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+ 1cc to M/s. Government Pleader, Advocate, S.R.No.9129  
+ 1cc to Mr.S.K. Rameshuwar, Advocate, S.R.No.9305  
+ 1 cc to MR.C. Prakasam, Advocate SR.9256  
+ 2 ccs to Mr.N. Manoharan, Advocate SR.9166  
+ 1 cc to M/s. Rita Chandrasekaran, Advocate SR.8905

KK(CO)  
EU(25/02/2015)

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