

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 01-04-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.7741 OF 2015

Shanmugam

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Petitioner

-vs-

1.The District Collector
Tirupur District,
Tirupur.

2.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Tirupur North Division,
Tirupur.

3.The Executive Officer,
Kunnathur Town Panchayat,
Kunnathur,
Tirupur District.

4.The Superintending Engineer,
Tamil Nadu Electricity Board,
Erode.

5.The Executive cum Junior Engineer,
Tamilnadu Electricity Board,
Perundurai,
Erode District.

6.The Assistant Executive Engineer,
Tamilnadu Electricity Board
Kunnathur,
Tirupur District.

7.The Assistant Engineer
Tamilnadu Electricity Board,
Perumanallur Road,
Kunnathur,
Tirupur District.

8.Gopala Krishnan

...

Respondents

Petition under Article 226 of the Constitution of India,
praying for issuance of a writ of mandamus, directing the seventh
respondent not to give high voltage electricity service connection
to the industry owned by the eighth respondent.

For petitioner : Mr.K.Vignesh Karthick
For respondent 1 : Mr.Roofus Abraham,
Govt.Advocate.
For respondent 2 : Mrs.Rita Chandrasekaran
For respondent 3 : Mr.R.Govindasamy
For respondents 4 to 7 : Mr.S.K.Rameshwar
For respondent 8 : Mr.V.Vijayakumar

O R D E R

Though this Writ Petition has been filed praying for issuance of a writ of mandamus to direct the seventh respondent not to give high voltage electricity service connection to the industry owned by the eighth respondent, counter affidavit filed by the District Environmental Engineer, second respondent herein, shows that the unit of the eighth respondent was inspected on 11.02.2015 and it was in operation with all machineries and is located in a residential area. Further, it is stated that the eighth respondent has not obtained consent from the Pollution Control Board. Since the area is residential, it appears that the District Environmental Officer has forwarded the matter to the third respondent Town Panchayat for necessary action. The petitioner appears to be satisfied with the action initiated by the Pollution Control Board and he will pursue the matter before the third respondent Town Panchayat. However, the eighth respondent seeks for an order in the petitioner's writ petition to direct the Electricity Board to grant electricity supply. This is not feasible of consideration, in the light of the stand taken by the Electricity Board and since the Panchayat is yet to take a decision in the matter.

2. Learned counsel for the eighth respondent elaborately referred to the typed set of papers filed by the eighth respondent and, in particular, the sketch, which has been filed at page 25 of the Typed Set of Papers, and pointed out that except the premises of the writ petitioner, all other areas are either workshops of machines, shops of welding works etc., and copies of electricity bills of those units have been produced. By making this submission, in fact, the eighth respondent has widened the scope of enquiry by the Pollution Control Board as well as the third respondent Town Panchayat. As pointed out earlier, if at all the petitioner has complied with all the conditions and there is no prohibition for him to establish and run a workshop, then, he may independently move the Electricity Board, for appropriate orders.

3. With the above observation, this Writ Petition is dismissed. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector
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Tirupur.
- 2.The District Environmental Engineer,
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Tirupur District.
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Tamilnadu Electricity Board,
Perumanallur Road,
Kunnathur,
Tirupur District.

- 1 cc to Government Pleader, Sr.20905
1 cc to Ms.Rita Chandrasekaran, Advocate, Sr. 21007
1 cc to Mr.K. Vignesh Karthick, Advocate, Sr. 20769
1 cc to M.s. Vijayakumar, Advocate, Sr. 20705

W.P.No.7741 OF 2015

MSM (CO)
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