

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.28158 of 2016
and W.M.P.No.24293 of 2016

Tamil Nadu Fly Ash bricks and Blocks
Manufacturers Association, Rep. By its
President, Mr.D.S.Saravanan. ... Petitioner

-vs-

Union of India,
Rep. By its Joint Secretary,
Ministry of Environment & Forest and
Climate Change, 4th Level, Prithvi Block,
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi 110 003. ... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records relating to the impugned Amendment Notification No.S.O.254 (E) dated 25.01.2016, issued by the respondent herein and quash the same in so far as the insertion of the second proviso to sub-paragraph (1) in Paragraph 2 and inserting sub-paragraphs (11) and (12) to sub-paragraph (1) in Paragraph 2, in the said Impugned Amendment Notification.

For Petitioner : Mr.Vijay Narayan, Sr. Counsel
for Mr.Rathina Asohan

For Respondent : Mr.Su.Srinivasan,
Asst. Solicitor General

O R D E R

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

The grievance of the petitioner-association was that while initially not proposing any modification in sub-para 1 providing for upto 20% of dry ESP fly ash free of cost, in the ultimate

notification, a proviso was inserted that the provision would not apply to those thermal power plants which are able to utilise 100% of fly ash 'in the prescribed manner'.

2. In the course of argument, a query naturally arose as to how the petitioner could claim an intrinsic right to have the benefit of this concession. Learned counsel for the petitioner stated that the aspect is not even clarified as to what is meant by 'in the prescribed manner'.

3. Learned Assistant Solicitor General has drawn our attention to the counter-affidavit more specifically para 12 (c) to submit that under para 2 (1) (ii), the priority category is manufacturers of fly ash, bricks, blocks and tiles and the expression 'in the prescribed manner' has to be understood in that context. He, in effect, says that the prescribed manner implies only these three categories.

4. In view of the aforesaid clarification, learned counsel for the petitioner states that his grievance does not survive.

5. Writ petition is, accordingly, disposed of. No costs. Consequently, W.M.P.No.24293 of 2016 stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

The Joint Secretary to Union of India,
Ministry of Environment & Forest and
Climate Change, 4th Level, Prithvi Block,
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi 110 003.

+1cc to Mr.Su. Srinivasan, Advocate, S.R.No.64192
+1cc to Mr.Rathina Asohan, Advocate, S.R.No.64257

sai (CO)

md (18/11/2016)

W.P.No.28158 of 2016