

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. Nos. 30329 to 30334 of 2016

&

W.M.P. No.26297 of 2016

Ocean Bricks and Blocks,
rep. by its Partner,
R.S. No. 5/1,
Chidambaram Main Road,
Ko. Ponneri, Virudhachalam,
Cuddalore District. ..Petitioner in WP.30329/16

M/s.Chennai Pavers
Rep.by its Proprietor
Jayajeeva Ramar st.,
Sriperumbudur, Chennai. ..Petitioner in WP.30330/16

M/s.Super Bricks
Rep. by its Proprietor Survey No.493 1A
1B1 Kelathipet Sirukalathur Sriperumbudur
Kancheepuram-69. ..Petitioner in WP.30331/16

R.Kailasam Bricks & Blocks
Rep. by its Proprietor No.210 Thiruvalluar
Street Athipattu Ponneri Taluk
Chennai-120. ..Petitioner in WP.30332/16

M/s.Thangamman Fly Ash Bricks
Rep. by its Proprietor S.F. No.425
Poochanari Ambarampalayam Post Pollachi
Taluk Coimbatore-642 103. ..Petitioner in WP.30333/16

M/s.Magna Industries
Rep. by its Proprietor SF No.321/1A
Thirukandeeswaram Annagramam Block
Nellikuppam Panruti Taluk
Cuddalore-607 105. ..Petitioner in WP.30334/16

Vs.

1. The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
800, Anna Salai, Chennai - 600 002.

2. The Chief Engineer/Civil Designs,
Tamil Nadu Electricity Board/
Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO),
No.144, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer,
North Chennai Thermal Power Station I,
(Unit of Tamil Nadu Generation
and Distribution Corporation Ltd.)
Attipattu Pudunagar, Chennai -600 120. ..Respondents

Prayer in W.P. No. 30329 of 2016: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to permit the petitioner to lift ash from the North Chennai Thermal Power Station I, Power Station II in WP.Nos.30330 to 30334/16 in WP.No.30329/16 without insisting any conditions.

For Petitioners
in all the writ
petitions :: Mr.V. Stalin

For Respondents
in all the writ
petitions :: Mr.S.K. Raameshuwar

C O M M O N O R D E R

These writ petitions are filed for issue of a Writ of Mandamus directing the 2nd respondent to permit the respective petitioners to lift ash from the North Chennai Thermal Power Station I/North Chennai Thermal Power Station II, as the case may be, without insisting on any conditions.

2. When the writ petitions are taken up, it has been brought to the notice of this Court that, in similar circumstances, in W.P. No. 23778 of 2016, while allowing the said writ petition by order dated 13.07.2016, it was observed as hereunder:

"It is not a fresh allotment of fly ash the petitioners are availing whereas they have been availing the benefit right from 2013 onwards. If the purpose for which the fly ash is being used by the petitioners have not been verified for the past three years, it denotes that there is negligence on the part of the respondents in not verifying it. In the guise of verifying the purpose, the respondents cannot

prevent the petitioners from lifting the fly ash. Therefore, there shall be a direction to the respondents, especially, the second respondent to permit the petitioners to lift the fly ash from North Chennai Thermal Power Station II. However, this order will not prevent the respondents from verifying the purpose for which the fly ash is being used and if it is not used for the admitted purpose, it is always open to the respondents to take appropriate proceedings/action."

3. In the light of the above order passed by this Court, in a connected writ petition, these writ petitions are also allowed on the same lines, as hereunder:

"There shall be a direction to the respondents, especially, the second respondent to permit the respective petitioners to lift the fly ash from North Chennai Thermal Power Station I/North Chennai Thermal Power Station II, as the case may be. However, this order will not prevent the respondents from verifying the purpose for which the fly ash is being used and if it is not used for the admitted purpose, it is always open to the respondents to take appropriate proceedings/action."

No costs. Connected W.M.P. is closed.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The Chairman,
Tamil Nadu Generation and
Distribution Corporation Ltd.,
800, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer/Civil Designs,
Tamil Nadu Electricity Board/
Tamil Nadu Generation and
Distribution Corporation Ltd.,
(TANGEDCO),
No.144, Anna Salai, Chennai - 600 002.

3. The Chief Engineer,
North Chennai Thermal Power Station I,
(Unit of Tamil Nadu Generation
and Distribution Corporation Ltd.)
Attipattu Pudunagar,
Chennai - 600 120.

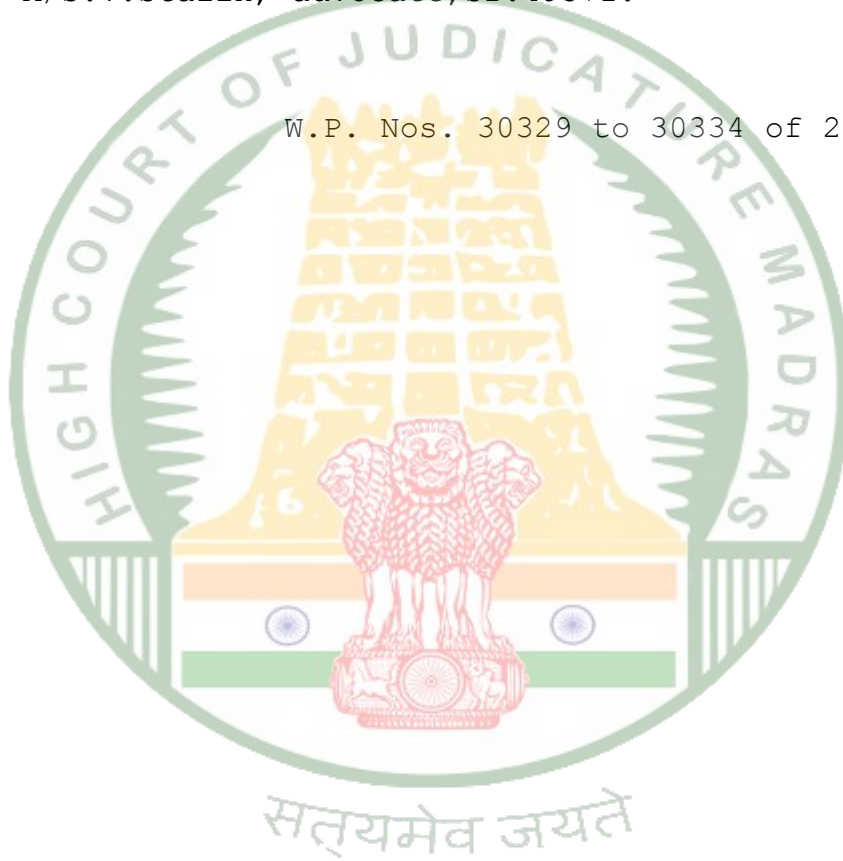
+1 cc to M/s.S.K.Rameshuwar, advocate, sr.49782

+1 cc to Govt.Pleader, sr.50202

+8 cc's to M/s.V.Stalin, advocate, sr.49371.

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W.P. Nos. 30329 to 30334 of 2016



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