

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 30373 of 2016

New Line Concrete Blocks  
rep. by its Proprietor,  
No. 82 B, Harikrishna Naidu Street,  
Ambathur, Chennai - 600 053.

..Petitioner

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 II  
II (NCTPS II)**  
(Unit of Tamil Nadu Generation  
and Distribution Corporation Ltd.)  
**\*Attipattu Pudu Nagar,**  
**Chennai 600120.**

..Respondents

Prayer: Petition under Article 226 of the Constitution of India  
praying for issue of a Writ of Mandamus directing the 2<sup>nd</sup>  
respondent to permit the petitioner to lift ash from the **\*North  
Chennai Thermal Power Station II NCTPS II** without insisting any  
conditions.

For Petitioner :: Mr.V. Stalin

For Respondents:: Mr.S.K. Raameshuwar

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the 2<sup>nd</sup> respondent to permit the petitioner to lift ash from the **\*North Chennai Thermal Power Station II (NCTPS II)** without insisting on any conditions.

2. When the writ petition is 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, this writ petition is also allowed on the same lines, as hereunder:

"There shall be a direction to the respondents, especially, the second respondent to permit the petitioner to lift the fly ash from **\*North Chennai Thermal Power Station II (NCTPS 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.”  
No costs.

Sd/-

Asst.Registrar (CCC)

**\*Amended as per order dated 27.09.2016  
passed in WMP Nos.29166 & 29167/2016.**

Sd/-

**Assistant Registrar (CS VI)  
03.10.2016.**

/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 II  
II (NCTPS II)**  
(Unit of Tamil Nadu Generation  
and Distribution Corporation Ltd.)  
**\*Attipattu Pudu Nagar,  
Chennai 600120.**

To be substituted  
to the order  
already  
despatched on  
16.09.2016.

+1 cc to Mr.V.Stalin, advocate, sr.\*55350

+1 cc to Mr.S.K.Raameshuwar, advocate, sr.49781.

nr(co)  
krd 14/9  
kra 03.10.2016

W.P. No. 30373 of 2016