

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 30374 of 2016

Sri Sai Baba Hallow Blocks
rep. by its Proprietor,
No. 476, Karai Village,
IAF - Avadi,
Chennai - 600 055.

..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,
(Unit of Tamil Nadu Generation
and Distribution Corporation Ltd.)
Attipattu Pudunagar,
Chennai -600 120.

..Respondents

Prayer: 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 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 2nd respondent to permit the petitioner to lift ash from the North Chennai Thermal Power Station 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. 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)

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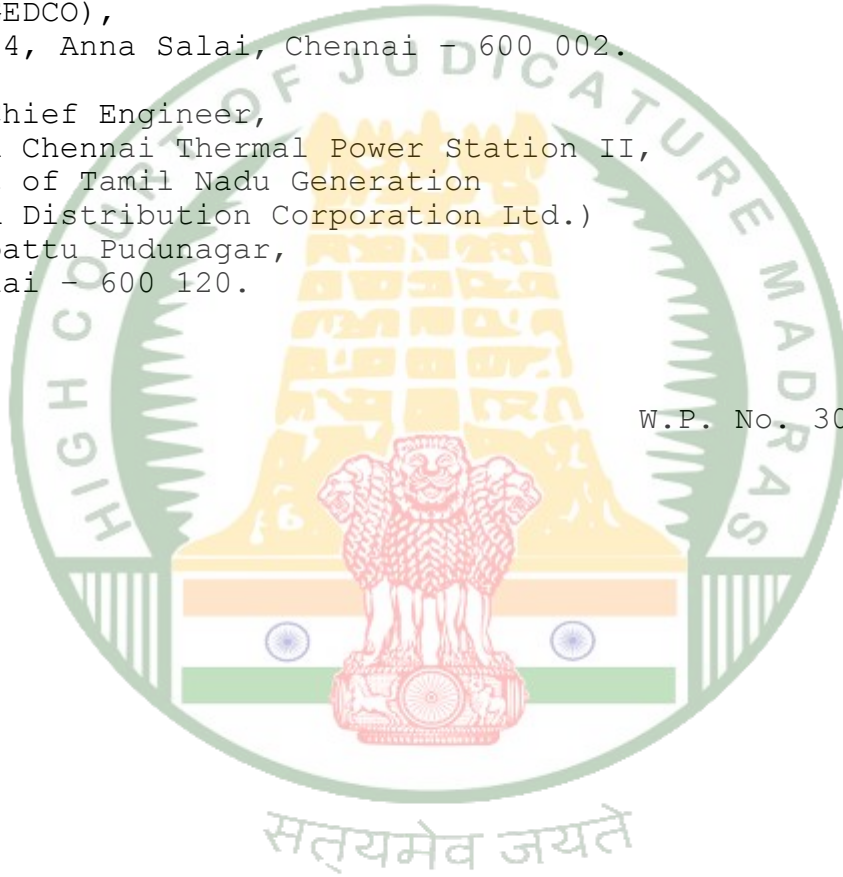
Sub Asst. Registrar

To

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