

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.38920 of 2016

Varun Fly Ash Bricks & Hollow Blocks

Rep. by Proprietor C.Sivanandham

No.83 Vellur Village Post,

Thiruvellaivoyal, Minjur,

Ponneri Taluk, Thiruvallur Dt.

... Petitioner

Vs

1 The Chairman

Tamil Nadu Generation and Distribution
Corporation Ltd.

No.800 Anna Salai

Chennai - 600 002.

2 The Chief Engineer / Civil Designs

Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDC)

No.144 Anna Salai

Chennai 600 002.

3 The Chief Engineer

Ennore Thermal Power Station

Ennore ,

Chennai 600 057.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the 2nd Respondent to permit the petitioner to lift ash from the Ennore Thermal Power Station without insisting any conditions.

For Petitioner : Mr.VElmurugan

For Respondents: Mr.S.K.Raameshuwar

O R D E R

The petitioner has come before this Court seeking writ of mandamus directing the 2nd Respondent to permit the petitioner to lift fly ash from the Ennore Thermal Power Station without insisting any conditions.

2. When the matter is taken up for hearing, it is brought to the notice of this court that, in similar circumstances, this Court, in WP No.23778 of 2016, by order dated 13.07.2016 which was subsequently followed in WP No.30373 of 2016 dated 31.08.2016, given a direction to the second respondent to permit the petitioner to lift the ash from the Ennore Thermal Power Station.

3. Though Mr.S.K.Raameshuwar, learned standing counsel appearing for the respondents would object that the petitioner company is not being run for almost one year, Mr.Velmurugan, learned counsel appearing for the petitioner would submit that because of non-supply of fly ash, the manufacturing activities could not be continued. He has also filed a memo of undertaking signed by the petitioner stating that on allotment of fly ash by the respondents, they shall continue to manufacture fly ash products.

4. In the light of the above order passed by this Court in WP No.30373 of 2016 dated 31.08.2016, 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 **Ennore Thermal Power Station.*** 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/-

Assistant Registrar(CS II)

Dt. 14.11.2016

Amended as per order
dt.22.11.2016 in W.P.38920/16

Sd/-

Assistant Registrar(CS-II)

dt.08/12/2016

//True Copy//

Sub Assistant Registrar

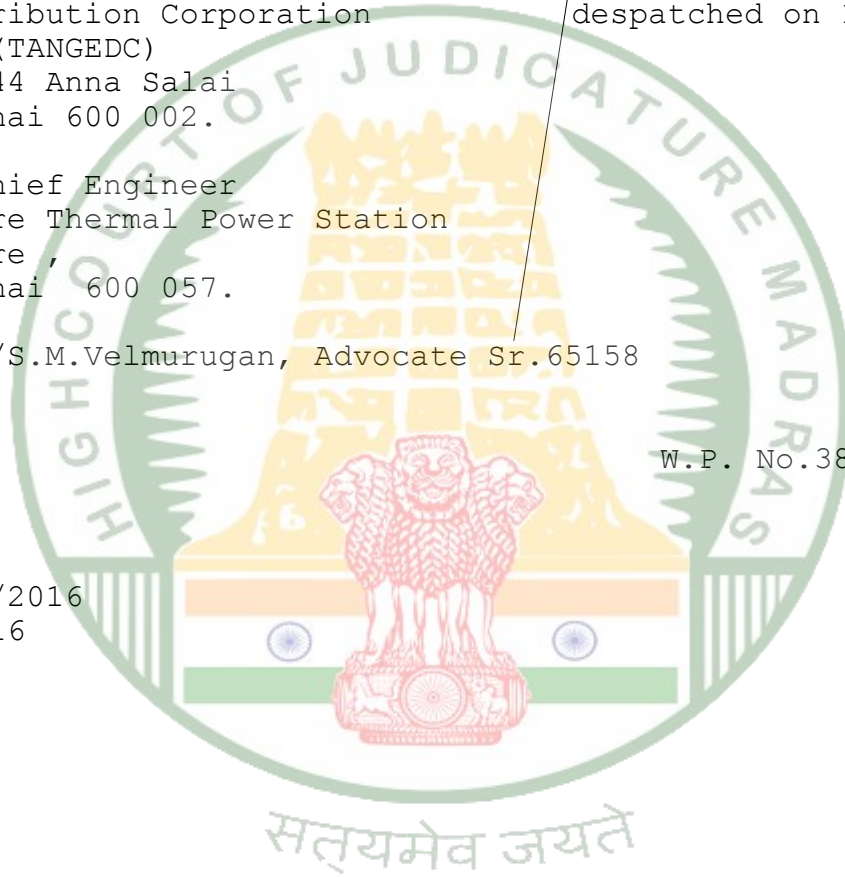
To

- 1 The Chairman
Tamil Nadu Generation and Distribution
Corporation Ltd.
No.800 Anna Salai
Chennai - 600 002.
- 2 The Chief Engineer / Civil Designs To be substituted
Tamil Nadu Generation and to the order already
Distribution Corporation despatched on 15/11/16
Ltd (TANGEDC)
No.144 Anna Salai
Chennai 600 002.
- 3 The Chief Engineer
Ennore Thermal Power Station
Ennore,
Chennai 600 057.

+1cc to M/S.M.Velmurugan, Advocate Sr.65158

W.P. No.38920 of 2016

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srg 15/11/2016
EU 09.12.16



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