

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.38922 of 2016

Blocks & Pavers (India) Pvt. Ltd
Rep by Managing Director
J.Vivekanandhan
S/o.Jeevarathinam
No.58/, Kuppam Beach Road
Thiruvanniyur, Chennai - 41.

..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 North Chennai
Thermal Power Station, Athipattu,
Thiruvallur District.

..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 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 “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/-
Assistant Registrar(CS II)
dt. 14.11.2016

Corrected as per order dated
11.1.17 and made in WMP.36224,
36225/16 in WP.38922 & 38923/16

Sd/-
Assistant Registrar (CCC)
dt. 19.01.2017

//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
Tamil Nadu Generation and
Distribution Corporation Ltd (TANGEDC)
No.144 Anna Salai
Chennai 600 002.

To be substituted
to the order
already despatched
on 16.11.2016

3 The Chief Engineer
Ennore Thermal Power Station
Ennore,
Chennai 600 057.

4. **The Chief Engineer North Chennai
Thermal Power Station, Athipattu,
Thiruvallur District.***

+1cc to M/S.M.Velmurugan, Advocate Sr.65159

W.P. No.38922 of 2016

ppa[col
srg 15/11/2016
Eu 19.1.2017