

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.1029 to 1036 of 2017

M/s Sree Thirumurugan Hallow Bricks
Thally Main Road
Opp.Silk Farm
Hosur 635 109 rep.by its
Proprietor M.Madesh .. Petitioner in W.P.No.1029 of 2017

M/s G.K.Steels & Hardwares
5B, Kayampattu Road
Pakkiripalayam Village, Chengam Taluk
Thiruvannamalai 606 709
rep.by its Proprietor Tmt.G.Abithabi
.. Petitioner in W.P.No.1030 of 2017

M/s Suriya Fly Ash Bricks
Reddiyur, Thermal (P.O.)
K.N.Patty (via)
Mettur Taluk
Salem 636 406 rep.by
its Proprietor R.Sekar .. Petitioner in W.P.No.1031 of 2017

M/s K.R.S.Concrete Block
No.2/438, Chennai Salai
Donnaikan Kottai
Krishnagiri 635 001
rep.by its Proprietor P.Raja.. Petitioner in W.P.No.1032 of 2017

M/s Sundaramurthy Hollow Brick
No.5/22, Chakarakuttai
Bajanai Koil Street, Gudiyatham Taluk
Vellore 632 106
rep.by its Proprietor
S.Sundaramurthy ..Petitioner in W.P.No.1033
of 2017

M/s Mahendra Bricks
No.46/19, Veerakuttai Street
Kilanchipattu, Chengam Taluk
Tiruvannamalai 606 611
rep.by its Proprietor
S.Mahendravarman .. Petitioner in W.P.No.1034 of 2017

M/s Muniswara Traders
No.576/1, Near Kumaragiri Temple
Thimiri, Arcot Taluk
Vellore 632 512 rep.by its Proprietor
T.K.Dhanasekaran .. Petitioner in W.P.No.1035 of 2017

M/s Pooja Hollow Bricks
No.133/1A4, Chettiyappanoor Village
Vaniyambadi Taluk
Vellore 635 751 rep.by its Proprietor
J.Kalaiselvam .. Petitioner in W.P.No.1036 of 2017

-vs-

1. The Chief Engineer/Civil Designs
Tamilnadu Generation and
Distribution Corporation Limited
3rd Floor, Eastern Wing
NPKRR Maaligai, 144, Anna Salai
Chennai 600 002
2. The Chief Engineer
Mettur Thermal Power Station II
Tamilnadu Generation and
Distribution Corporation Limited
Mettur Dam 636 406
Salem District ..Respondents 1 & 2 in all
the W.P's.

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider and pass orders on the requests of the petitioners dated 26.03.2016, 15.03.2016, 25.03.2016, 25.03.2016, 25.03.2016, 30.03.2016, 25.03.2016, 19.03.2016 respectively, for renewal of the allotment orders for 2016-17 for the supply of dry fly ash from MTPS II to the petitioners.

For Petitioners :: Mr.V.Elangovan

For Respondents :: Mr.S.K.Rameshuwar

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ORDER

Eight petitioners have filed separate writ petitions seeking a common prayer for issuance of a writ of mandamus, directing the Chief Engineer/Civil Designs, Tamil Nadu Generation and Distribution Corporation Limited, the first respondent herein to consider the representations/applications of the petitioners dated 26.03.2016, 15.03.2016, 25.03.2016, 25.03.2016,

25.03.2016, 30.03.2016, 25.03.2016, 19.03.2016 respectively, for renewal of the allotment orders for 2016-17 for the supply of dry fly ash from MTPS II to the petitioners.

2. Learned counsel for the petitioners submitted that the respondents are running a Thermal Power Plant by using coal, which generates dry fly ash that can be used as an alternative substance for manufacturing bricks, tiles etc. When the fly ash generated by the thermal power plant is being used as a basic raw material for manufacturing bricks, tiles, etc., finding no other alternative or substitute available to carry on the brick manufacturing process, the petitioners also established fly ash brick manufacturing units after getting loan from the banks and they also submitted applications before the first respondent to get the allotment of dry fly ash from the Chief Engineer, Mettur Thermal Power Station II, Mettur, Salem District. Accepting the requests of the petitioners, the first respondent also passed orders of allotment on 1.4.2013, 1.4.2013, 3.10.2012, 1.4.2013, 1.4.2013, 1.4.2013, 1.4.2013, 1.4.2013 respectively in favour of the petitioners subject to various conditions. Pursuant to the said allotments, the petitioners are also renewing the applications and the first respondent also, after satisfying with the conditions imposed in the allotment orders, has been extending the same. In this background, when the petitioners are carrying on the business of production of hollow bricks by using the dry fly ash supplied by the respondents, even after the renewal of the allotment orders given upto 31.3.2016, they made applications to the first respondent on 26.03.2016, 15.03.2016, 25.03.2016, 25.03.2016, 25.03.2016, 30.03.2016, 25.03.2016, 19.03.2016 respectively, with a request to renew the allotment orders for 2016-17 for the supply of dry fly ash from the second respondent. But the first respondent has not passed any orders so far. Therefore, the petitioners have also given reminders on 26.4.2016, 27.4.2016, 18.4.2016, 16.5.2016, 25.4.2016, 16.4.2016, 21.4.2016, 23.4.2016 respectively. Even thereafter, there is no response. As the petitioners' manufacturing process is in peril, they have been advised to come to this Court seeking a direction to the first respondent to consider the pending applications for renewal of the allotment orders as has been done on the earlier occasion.

3. Mr.S.K.Rameshuwar, learned standing counsel, taking notice on behalf of the respondents, submitted that although the petitioners have pleaded before this Court that they have made applications for renewal of the allotment orders on the dates mentioned therein followed by the reminders, no proof or acknowledgment is shown before this Court. Therefore, he sought time to take instructions.

4. In reply, the learned counsel for the petitioners submitted that both the applications for renewal and the reminders were presented by the petitioners in person before the first respondent. Therefore, the respondents can verify the pendency of the applications and thereupon dispose of the same on merit.

5. Considering the fact that the petitioners have been engaged in the manufacture of bricks with the use of dry fly ash supplied by the respondents, this Court finds no impediment to direct the first respondent to consider the applications of the petitioners on merit. Accordingly, the first respondent is directed to consider the pending applications of the petitioners dated 26.03.2016, 15.03.2016, 25.03.2016, 25.03.2016, 25.03.2016, 30.03.2016, 25.03.2016, 19.03.2016 respectively, for renewal of the allotment orders for the year 2016-17 for the supply of dry fly ash from the second respondent, on merit and pass appropriate orders thereon within a period of two weeks from the date of receipt of a copy of this order. The writ petitions are disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ss
To

1. The Chief Engineer/Civil Designs
Tamilnadu Generation and
Distribution Corporation Limited
3rd Floor, Eastern Wing
NPKRR Maaligai, 144, Anna Salai
Chennai 600 002

2. The Chief Engineer
Mettur Thermal Power Station II
Tamilnadu Generation and
Distribution Corporation Limited
Mettur Dam 636 406
Salem District

+1 cc to Mr.S.Doraisamy Advocate sr 3119

W.P.Nos.1029 to 1036 of 2017

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