



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.24095 of 2017

and

WMP (MD) Nos.20225 to 20227 of 2017

S.Janardhanan

... Petitioner

Vs.

1. The Principal Chief Conservator of Forest,
Tamil Nadu Forest Department,
Panagal Maligai, Saidapet, Chennai.
2. The District Forest Officer,
Office of the District Forest Officer, a
Tuticorin, Tuticorin District.
3. The Principal Secretary / Chairman and
Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai, Chennai - 600 002.
4. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Tangedco, Tuticorin District.
5. The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Distribution and Maintainance,
Kovilpatti, Tuticorin District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the fifth respondent in Ref. க.எண்.இ.மி.பொ/கோவில்பட்டி/கோப்பு /கட்டு/ க.எண் .801/2017, dated 25.11.2017 bearing electricity connection No.311-008-271 and quash the same and direct the fourth and fifth respondents to restore the electricity connection forthwith to the petitioner company bearing electricity connection No.311-008-271.



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For Petitioner : Mr.N.Ananthapadmanabhan
For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Govt.Pleader
for R1 and R2

Mrs.Srimathi,
E.B., Govt. Advocate
for RR 3 to 5

O R D E R

The challenge is to the order dated 25.11.2017 issued by the fifth respondent disconnecting the electricity supply to the writ petitioner's Match Splint Industry. The second respondent herein had originally passed an order dated 28.10.2017 calling upon the Match Splint Industries not to run further. Subsequently on 11.10.2017, they had addressed a communication to the E.B authorities to effect disconnection also.

2.Based on the said communication dated 11.10.2017, the Hon'ble Division Bench of this Court vide order dated 15.11.2017 in WP(MD)No.19878 of 2017 issued directions to the EB authorities to scrupulously adhere to the internal communication dated 11.10.2017 of the District Forest Officer, Tuticorin addressed to Superintending Engineer in letter and spirit and take action as they deem it fit and proper based on the facts and circumstances which float on the surface. But, there is a subsequent development.

3.It is true that the order dated 28.10.2017 issued by the District Forest Officer Tuticorin was upheld in WP(MD)No.20526 of 2017. But, subsequently, the second respondent had sent a letter addressed to the first respondent stating that the status quo prevailing as on date 27.11.2017 shall be maintained. The copy of the said communication is enclosed Page.108 of the typed set of papers. The same is extracted as under :

In view of the above said circumstances, the Superintending Engineer, TANGEDCO, Tuticorin has been addressed in this matter and a copy of the reference 6th cited is enclosed. After receipt of the Principal Chief Conservator of Forests, Chennai in the reference 7th cited, further action has not been pursued and no such mills are closed. The action taken in the reference 6th cited is mainly based on the new guidelines received during 2016 since no exemption to the Matchwood factories is given therein. Necessary further follow-up action in this matter will be taken after receipt of any clarifications as to whether the revised guidelines



issued by the Government of India during 2016 will take precedence over the orders issued in G.O.(MS) No.79, Environment & Forests (FR.13) Department, dated 23.07.2015. Till then, the present status will be maintained. Therefore, the Superintending Engineer, TANGEDCO, Tuticorin has also been requested not to take action on the letter sent in the reference 6th cited and kept it abeyance till further report is sent from this office.

4. In view of the subsequent development, I am of the view that the EB authorities are not justified in effecting the electricity disconnection. It is true that the Hon'ble Division bench of this Court has passed an order calling upon the EB authorities to adhere to the communication of the Forest authorities. But, there is a clear change in circumstances. If the contempt notice has been received by the authorities they should have responded accordingly. The very basis on which the direction of the Hon'ble Division Bench was passed no longer holds good.

5. Therefore, I have no hesitation to set aside the order dated 25.11.2017 passed by the fifth respondent. The fifth respondent/The Executive Engineer is directed to restore the electricity connection forthwith to the writ petitioner's company. This Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Chief Conservator of Forest,
Tamil Nadu Forest Department,
Panagal Maligai, Saidapet, Chennai.
2. The District Forest Officer,
Office of the District Forest Officer, a
Tuticorin, Tuticorin District.
3. The Principal Secretary / Chairman and
Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
No.14, Anna Salai, Chennai - 600 002.



4. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Tangedco, Tuticorin District.

5. The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Distribution and Maintenance,
Kovilpatti, Tuticorin District.

+ 1 cc TO Mr.S.M.S.Johnny Basha , Advocate in SR No. 94948

+ 1 cc TO Mr.N.Ananthapadmanabhan , Advocate in SR No. 94947

Skm

AE/KK/SAR1/12.01.2018/4P/8C

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