

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.17440 of 2018

M/s Kamala Tannery
rep.by its Proprietor K.P.Chinnasamy
having business at
14-1B1C, Sathy-Bhavani Road Junction
B.P.Agraharam
Erode 638 005

Petitioner

-vs-

1. The District Collector
Collector Office
Erode District
2. The District Environmental Engineer
Tamil Nadu Pollution Control Board
I Floor, T.V.Complex
155, Nehru Street
Erode 638 001
3. The Assistant Engineer
Operation and Maintenance
Erode Electricity Distribution Circle
TANGEDCO, B.P.Agraharam
Erode 638 004

4. P.Mohanasundaram

Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the entire records of the third respondent culminated in Ka.No.AEE/EP/P.P.A/Ko.ThMaKV/No.365/2/2016 dated 28.12.2016 and the consequential impugned proceedings of the second respondent which culminated in Ka No.1599/DEE/TNPCB/Erode/K.091/2017 dated 07.07.2017 and quash the same as arbitrary, illegal and unreasonable and further direct the second respondent to issue order for restoration of power supply to the petitioner's tannery and to grant renewal of order of consent and the third respondent to restore power supply to the petitioner's tannery.

For Petitioner :: Mr.V.P.Sengottuvel

For Respondents:: Mr.V.Anandhamoorthy
Additional Government Pleader for R1
Mr.C.Kasirajan for R2
Mr.S.K.Rameshuwar for R3
No appearance for R4

ORDER

(Order of the Court was made by R.SUBBIAH, J.)

The present writ petition has been filed to quash the impugned proceedings of the third respondent dated 28.12.2016 and the proceedings of the second respondent dated 7.7.2017 as arbitrary, illegal and unreasonable with a further direction to the second respondent to issue order for restoration of power supply as well to grant renewal of order of consent and also to direct the third respondent to restore power supply to the petitioner-Tannery.

2. Heard the learned counsel for the petitioner and the respective learned counsel for the respondents 1 to 3. None appeared on behalf of the fourth respondent.

3. When the matter was taken up for consideration, a counter affidavit has been filed on behalf of the second respondent pointing out the defects in paragraph-8, which are to be complied with by the petitioner.

4. The learned counsel for the petitioner also submitted that the petitioner would comply with the defects as pointed out in paragraph-8 of the counter affidavit and would also submit a report to the second respondent in this regard for restoration of power supply.

5. In view of the said submission, this Court is inclined to pass the following order:-

(i) The petitioner is directed to comply with the defects as pointed out in paragraph-8 of the counter affidavit and submit a report to the second respondent in this regard.

(ii) On receipt of such compliance report from the petitioner, the second respondent is directed to advice the third respondent to restore the power supply.

(iii) On receipt of such advice from the second respondent, the third respondent shall restore the power supply to the petitioner-Tannery.

(iv) The entire exercise shall be completed by the parties within an outer time limit of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition stands disposed of. Consequently, W.M.P.Nos.20721 to 20723 of 2018 are closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

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+1cc to Mr.V.P.Sengottuvel, Advocate sr.no.75937

nr 28/11/2018

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