

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.3404 of 2013

and

M.P.No.1 of 2013

M/s.Allwyn Processing Mills Unit,
(Formerly Banu Process)
Carrying on business at Banu Garden,
Kunnangal Palayam,
Arulpuram Post,Tirupur - 5,
Rep.by its partner,
Mr.R.Senthil Kumar.

...Petitioner

Versus

1.The Managing Director,
New Tirupur Area Development
Corporation Ltd.,
Poly Hose Towers,
(Formerly called SPIC Annex Building),
1st Floor, No.86, Mount Road,
Guindy, Chennai - 600 032.

2.The General Manager,
New Tirupur Area Development
Corporation Ltd.,
No.37, Raasi Towers, Ground Floor,
J.G.Nagar, Kumaranandapuram,
60 feet Road, Tirupur District.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, forbearing the respondents from insisting the petitioner in any manner to pay water capacity charges from February 2011 till date under the head "Take or Pay" as the petitioner is prohibited to procure water.

For Petitioner : Mr.K.Raja

For Respondents : Mr.K.Manoj Menon

O R D E R

Heard Mr.K.Raja, learned counsel for the petitioner and

Mr.K.Manoj Menon, learned counsel appearing for the respondents and perused materials available on record.

2. The prayer sought for in this writ petition is for issuance of a writ of mandamus, forbearing the respondents from insisting the petitioner in any manner to pay water capacity charges from February 2011 till date under the head "Take or Pay".

3.The learned counsel for the petitioner submitted that the petitioner is running a dyeing unit, since 1996. Pursuant to the order passed in the Public Interest Litigation, all the dyeing units in Tiruppur were closed. Since, the respondents demanded payment of water charges, the petitioner gave a representation to the respondents stating that they are not liable to pay any amount, but, it was not considered. Hence, the present writ petition.

4. The learned counsel for the petitioner further submitted that it would suffice, if a suitable direction is issued to the respondents to consider the representation of the petitioner.

5.The learned counsel appearing for the respondents submitted that representation of the petitioner would be considered in accordance with law.

6. In the light of the limited scope of prayer sought for in this writ petition and the submissions made by the learned counsels on either side, this Court, without going into the merits of the case, directs the petitioner to give a fresh representation to the first respondent, by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the first respondent shall consider the same and pass orders on merits and in accordance with law, after affording an opportunity to all necessary parties, within a period of eight weeks therefrom.

7.With the above direction, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

ms

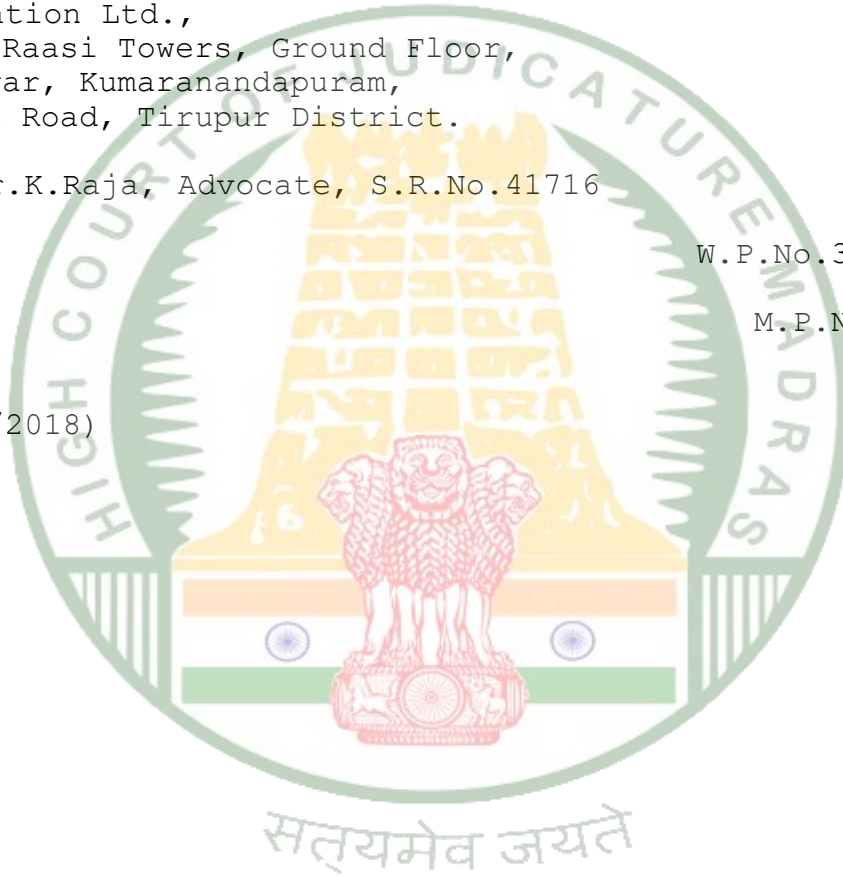
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+1cc to Mr.K.Raja, Advocate, S.R.No.41716

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SV(CO)
GSP(12/07/2018)



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