

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

W.P.No.29192 of 2018
and
W.M.P. Nos.34114, 34117
and 34119 of 2018

M/s.Dharani Hi Tech Projects (P) Ltd.,
rep. by its Managing Director
K.Vijayalakshmi ... Petitioner

Vs

- 1.The Tamil Nadu Pollution Control Board
rep. by its Member Secretary,
No.76, Anna Salai, Guindy,
Chennai - 32.
- 2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagapattinam.
- 3.The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvarur Electricity Distribution
Circle, 73, Durgalaya Road,
Thiruvarur - 610 002.
- 4.The Assistant Engineer/T1/Mannargudi
Town, 51, Sanjeevi Street,
TANGEDCO, Mannargudi - 1. ... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the entire records pertaining to the impugned order of the first respondent in Proceedings No.TS1/TNPCB/F.028144/NPM/GS/CLOSURE/W&A/2018 dated 24.10.2018 and consequential order in disconnecting the electricity in

Proceedings No.TS1/TNPCB/F.028144/NPM/GS/CLOSURE/EB/2018 dated 24.10.2018 and quash the same.

For Petitioner .. Mr.M.Venkatachalapathy,
Sr. Counsel for Mr.M.Sriram

For Respondents.. Mr.C.Kasirajan for R1 & R2
Mr.P.Gunaraj for R3 & R4

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Challenging the order of the first respondent dated 24.10.2018 and the consequential order passed on the same day, the present writ petition has been filed.

2.Heard the learned senior counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3.Though the order of closure is under challenge before us, we are not inclined to entertain it on merit since the petitioner has already approached the National Green Tribunal and the appeal is pending in Appeal No.22 of 2018.

4.Learned senior counsel appearing for the petitioner would submit that the Tribunal may be directed to dispose of the appeal within a reasonable period, particularly in the light of the assertion of the petitioner that there is due compliance and the electricity connection atleast for a single phase which is being used by the employees can be restored on the basis of undertaking given by the learned senior counsel on behalf of the petitioner before this Court that the service connection restored will not be used for any other purpose including the running of the plant.

5.Considering the above, we direct the respondents to permit the petitioner to have single phase electricity connection which can only be used for the personal benefit of the employees and it cannot be used for running the plant. If any violation is noticed, it is well open to the respondents to disconnect it forthwith.

6.Insofar as the pendency of the appeal before the National Green Tribunal is concerned, we direct the Tribunal to dispose of the same within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

mmi

To

- 1.The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy,
Chennai - 32.
- 2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagapattinam.
- 3.The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvarur Electricity Distribution
Circle, 73, Durgalaya Road,
Thiruvarur - 610 002.
- 4.The Assistant Engineer/T1/Mannargudi
Town, 51, Sanjeevi Street,
TANGEDCO, Mannargudi - 1.
- 5.The National Green Tribunal,
Southern Zone, Chennai.

+2cc to Mr. M.Sriram, Advocate, S.R.No. 76585

+1cc to Mr. C.Kasirajan, Advocate, S.R.No. 76692

W.P.No.29192 of 2018

TM(CO)
GN(13/11/2018)