



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2018

CORAM:

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.24115 of 2017

and

W.M.P (MD) Nos.20237 to 20239 of 2017

National small match manufacturers Association,
represented by its Vice President,
R.Gopalsamy. .. Petitioner

Vs.

- 1.The Principal Chief Conservator of Forest,
Tamilnadu Forest Department,
Panagal Maligai, Saidapet, Chennai.
- 2.The District Forest Officer,
Office of the District Forest Officer,
Tuticorin, Tuticorin District.
- 3.The Principal Secretary/
Chairman and Managing Director,
Tamilnadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai-600 002.
- 4.The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
TANGEDCO,
Tuticorin District.
- 5.The Executive Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
Distribution and maintenance,
Kovilpatti,
Tuticorin District. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent to the fourth respondent in Ref.No.Na.Ka.No.Ku/6142/2006, dated 11.10.2017 and quash the same and direct the fourth and fifth respondents to restore the electricity connection forthwith to all the match splints industries concerned to the petitioners association and save the livelihood of the employees concerned.



: Mrs.S.Srimathi
Standing Counsel for TANGEDCO
for R.3 to R.5

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ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, this writ petition is taken up for final disposal.

2. Mr.A.K.Baskarapandian, learned Special Government Pleader, accepts notice on behalf of the respondents 1 and 2 and Mrs.S.Srimathi, learned Standing Counsel accepts notice on behalf of the respondents 3 to 5.

3. The petitioner Association in the affidavit filed in support of this writ petition would aver among other things that this petition is filed as a Public Interest Litigation and seeks to quash the impugned order passed by the second respondent communicated by the fourth respondent, dated 11.10.2017 with consequential direction directing the respondents 4 and 5 to restore the electricity connection to all the match splints industries concerned for the purpose of saving the livelihood of the employees.

4. The learned Counsel appearing for the petitioner Association has drawn the attention of this Court to the typed set of documents and would submit that since the individual units are not complying with the guidelines given in the Wood Based Industries (Establishment and Regulation) Guidelines, 2016, they should halt the operations, failing which appropriate action would be taken and one Seyalmurugan has filed W.P.(MD)No.19878 of 2017 to comply with the communication of the second respondent herein, dated 11.10.2017 within a stipulated time and in compliance of the order dated 15.11.2017, passed by this Court in the said Writ Petition, attempts are made to disconnect the electricity supply given to the units run by the members of the petitioner Association. However, the very same respondent has sent a communication in Ref.No.L/6142/2011, dated 27.11.2017 to the first respondent, wherein it has been stated that the further follow up action in this matter will be taken, after receipt of necessary clarifications as to whether the revised guidelines issued by the Government of India during the year 2016 will take precedence over the orders of the Environment and Forests Department of Government of Tamil Nadu in G.O.(Ms) No.79, dated 23.07.2015 and till such time, the present status shall be maintained. Despite the said communication, attempts are being made to disconnect the electricity supply given to the units run by the members of the petitioner Association and therefore, prays for appropriate orders.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Per contra, the learned Special Government Pleader appearing for the respondents 1 and 2 would submit that in the light of the latest communication dated 27.11.2017, sent by the second



respondent to the first respondent, the apprehension expressed by the petitioner is wholly unsound.

6. This Court has considered the rival submissions and perused the materials placed before this Court.

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7. The first respondent in the communication dated 11.10.2017 addressed to the fourth respondent has referred a common order dated 09.08.2017, made in W.P.(MD)No.9819 and 13656 of 2015 as well as the communication of the Ministry of Environment Forests and Climate Change, Government of India, dated 23.09.2016 and directed the said Official to disconnect the electricity supply given to the units run by the members of the petitioner Association and to implement the same, one Seyalmurugan has filed W.P.(MD)No.19878 of 2017 and the said writ petition was also disposed of on 15.11.2017 by the Division Bench of this Court by directing the concerned respondents to implement the order.

8. It is to be noted at this juncture that the second respondent sent yet another communication dated 27.11.2017 to the first respondent as to the clarification sought for with regard to the applicability of the revised guidelines issued by the Government of India during the year 2016. It is relevant to extract paragraph No.5 of the said communication, which reads as follows:

" 5. In view of the above said circumstances, the Superintending Engineer, TANGEDCO, Tuticorin has been addressed to 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."

9. As per the said communication, unless a clarification is issued as to the revised guidelines issued by the Government of India during the year 2016 will take precedence over the orders issued by the Department of Environment & Forests Department of the Government of Tamil Nadu in G.O.(Ms) No.79, dated 23.07.2015, the status is to be maintained.

<https://hcservices.courts.gov.in/hcservices/>

10. It is also brought to the knowledge of this Court by the learned Counsel appearing for the petitioner that the electricity



connection given to the units run by the members of the petitioner Association had already been disconnected.

11. In the light of the above facts and circumstances, this Court directs the respondents 3 to 5 to take note of the communication issued by the second respondent, dated 27.11.2017 in Ref.No.L/6142/2011 and after getting clarification if any, the respondents 1 and 2 shall pass appropriate orders as to the re-connection of the electricity supply to the units run by the members of the petitioner Association. It is also open to the petitioner Association to submit a representation to the respondents 1 to 5 for re-connection of the electricity supply enclosing a copy of this order as well as a copy of the communication dated 27.11.2017 sent by the second respondent to the first respondent, who shall also take cognizance and pass appropriate orders within a period of four weeks, from the date of receipt of the representation from the petitioner Association.

12. The writ petition stands disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

- 1.The Principal Chief Conservator of Forest,
Tamilnadu Forest Department,
Panagal Maligai, Saidapet, Chennai.
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 - 5.The Executive Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
Distribution and maintenance,
Kovilpatti, Tuticorin District.
- +One cc to M/s.N.Ananthanapadmanabhan, Advocate, SR.No.40337
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RL/7C/4P/SKN/RSK/SAR1/5/1/2018

ORDER MADE IN

W.P (MD) No.24115 of 2017
and

W.M.P (MD) Nos.20237 to 20239 of 2017
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