

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.Nos.3813, 3816 & 3819 of 2012 &
connected miscellaneous petitions

M/s.Madras Cements Limited,
Rep. by its Assistant General Manager,
98-A, Auros Corporate Centre,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004. Petitioner in
W.P.No.3813 of 2012

M/s.India Cements Limited,
Rep. by its Sr. President (Operations),
"Coromandel Towers"
93, Santhome High Road,
RA Puram,
Chennai - 600 028. Petitioner in
W.P.No.3816 of 2012

M/s.Chettinad Cement
Corporation Limited,
Rep. by its Company Secretary,
Sri.S.Hariharan,
Rani Seethai Hall Building,
603, Anna Salai,
Chennai - 600 006. Petitioner in
W.P.No.3819 of 2012

Vs

- 1.Union of India,
Rep. by its Deputy Director,
Ministry of Environment and Forest,
146, Paryavaran Bhavan,
CGO Complex, Lodhi Road,
New Delhi.
- 2.The Tamil Nadu Generation & Distribution
Corporation Limited, Rep. by its Chairman,
800, Anna Salai,
Chennai - 600 002.

3.The State Level Monitoring Committee,
800, Anna Salai,
Chennai - 600 002.

4.Tamil Nadu Pollution Control Board,
Rep. by its Member Secretary,
Anna Salai, Guindy,
Chennai - 600 032.

5.Hi Tech Fly Ash (I) Pvt. Ltd.,
No.2/101-5, Tiruchendur Road,
Muthiahpura, Thoothukudi,
Tamil Nadu District. Respondents in
all W.Ps'

Prayer in all Writ Petitions:- These Writ Petitions filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records of the impugned resolution of the State Level Monitoring Committee pursuant to its Meeting held on 30.11.2011 communicated by the fourth respondent under cover of its letter dated 27.12.2011 and quash the same as being arbitrary, illegal and violative of the contract between the petitioner and TANGEDCO (TNEB), contrary to the provisions of the Notification S.O.2804 (E), dated 03.11.2009 issued by the Ministry of Environment and Forests.

For Petitioner in
all W.Ps' : Mr.R.Parthasarathy

For Respondents in
all W.Ps' : Mr.J.Madanagopal Rao,
Senior Panel Counsel for R1

Mr.S.K.Rameshuwar
Standing Counsel for R2

No appearance for R3 & R4

Mr.G.Krishnakumar for R5
in W.P.No.3813 of 2012

Mr.K.M.Balaji for R5
in W.P.Nos.3816 & 3819 of 2012

C O M M O N O R D E R

The learned Standing Counsel for the second respondent would submit that subsequent to adoption of new fly ash policy (as per NTPC model), the petitioners participated in the e-auction held

for disposal of fly ash from Tuticorin Thermal Power Station on 23.10.2018 and they were allotted with the requisite quantities and hence, the prayer sought for in these Writ Petitions has become infructuous. He has also produced the communication of the Superintending Engineer, Civil Designs & Hydro Projects, Chennai, dated 06.08.2019.

2. The said fact was not disputed by the learned counsel for the petitioners.

3. In view of the submission of the learned counsel on either side and the Communication of the Superintending Engineer, dated 06.08.2019, these Writ Petitions are dismissed as infructuous. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

r n s

To

1. The Deputy Director,
Government of India,
Ministry of Environment and Forest,
146, Paryavaran Bhavan,
CGO Complex, Lodhi Road,
New Delhi.

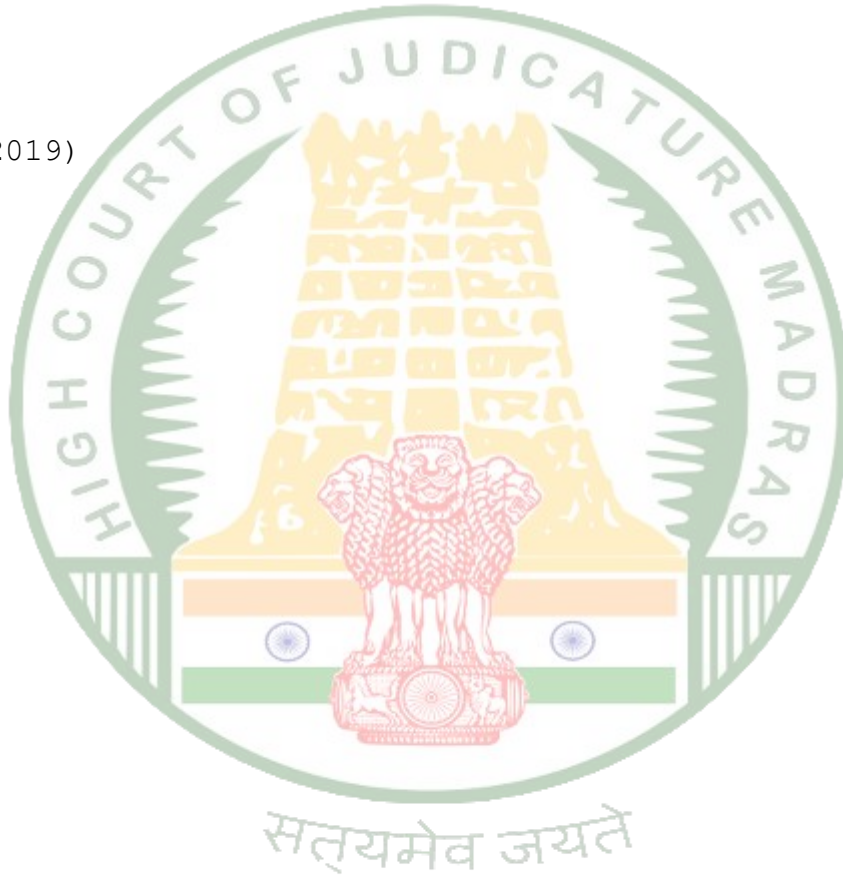
2. The Chairman, Tamil Nadu Generation & Distribution
Corporation Limited,
800, Anna Salai,
Chennai - 600 002.

3. The State Level Monitoring Committee,
800, Anna Salai,
Chennai - 600 002.

4.The Member Secretary,
Tamil Nadu Pollution Control Board,
Anna Salai, Guindy,
Chennai - 600 032.

W.P.Nos.3813, 3816 & 3819 of 2012 &
connected miscellaneous petitions

RK(CO)
SP(20/09/2019)



WEB COPY