



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.NO.17320 OF 2017 AND
W.M.P.NO.18827 OF 2017

C.Jhon,
Managing Partner
M/s.Janatha Tyre Retreaders

... Petitioner

Vs

1. The Chairman,
TANGEDCO,
10th Floor NKPPR Maligai,
144, Anna Salai, Chennai.

2. The Divisional Engineer,
TANGEDCO, Chidambaram.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to restore electricity service connection with lesser capacity of 8 KW (1HP) to the petitioner's premises viz. No.A1, North Main Road, Chidambaram-608 001 for the purpose of office use, tyre show room and for operating compressor alone within such time as may be stipulated by this Court.

For Petitioner : Mr.S.Thanka Sivan

For Respondents : Mr.M.Varunkumar,
Standing Counsel

ORDER

The writ petition has been filed seeking a direction to the respondents to restore electricity service connection with lesser capacity of 8 KW (1HP) to the petitioner's premises viz. No.A1, North Main Road, Chidambaram-608 001 for the purpose of office use, tyre show room and for operating compressor alone within the time stipulated by this Court.



2.Learned counsel appearing for the petitioner would submit that the petitioner Unit had obtained licence under the Tamil Nadu Factories Act and the Tamil Nadu Pollution Control Board has issued consent to operate under the Air (Prevention and Control of Pollution) Act 1981 and Water (Prevention and Control of Pollution) Act 1974 to the petitioner unit and thereafter, the same was being periodically renewed. The petitioner unit has also obtained fire licence issued by the Fire Department and the Chidambaram Municipality has also issued D&O Trade Licence after due inspection by the officials of the Municipality. According to the learned counsel appearing for the petitioner, even though the petitioner unit was functioning in the said premises for more than 25 years, the concerned authority has refused to grant renewal on the ground that as per G.O. Ms. No.1703 dated 24.07.1974, the petitioner's retreading unit cannot be permitted to run at mixed residential zone. As the said action of refusing to renew the petitioner's licence is totally untenable in law, the petitioner has filed Writ Petition No.37147 of 2016 before this Court. In the meantime, the persons having enmity against the petitioner unit had approached the National Green Tribunal Southern Zone by filing O.A. No.211 of 2016 seeking an order to close the petitioner's unit. Although the petitioner Unit filed a counter affidavit refuting the false and untenable claims made against the petitioner, a direction was issued to close the industry. Pursuant to the said order, the respondents had disconnected the electricity service connection. As the petitioner industrial unit could not run with 8 KW service connection, the petitioner made an application dated 22.04.2017 to the respondents seeking restoration of electricity service connection. Since the same has not been considered, the petitioner is before this Court with the above prayer.

3.Learned Standing counsel appearing for the respondents would submit that if the prayer of the petitioner is reasonable as per law, the same will be considered on merits.

4.Recording the submission made by the learned Standing Counsel appearing for the respondents, the writ petition stands disposed of. Consequently, connected W.M.P. is closed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vga



To

1. The Chairman,
TANGEDCO,
10th Floor NKPPR Maligai,
144, Anna Salai, Chennai.

2. The Divisional Engineer,
TANGEDCO, Chidambaram.

+lcc to Mr.M.Varunkumar, Advocate, S.R.No.96975

+lcc to Mr.S.Thanka Sivan, Advocate, S.R.No.97317

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NRL (CO)
CS/06/01/2020