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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.NO.157 OF 2010 AND M.P.NO.1/2010

1. Neyveli Lignite Corporation Limited
rep. by its Chairman and Managing Director,
Neyveli Town,
Cuddalore District.
 2. The Eviction Authority-cum-Estate Officer,
Assistant Township Administrator,
Township Administrative Office,
Neyveli.
- ... Appellants

-vs-

1. All India Trade Union Congress
rep. by General Secretary
Cuddalore District,
namely, M.Sekar S/O N.Manavalan
 2. N.L.C. United Workers Union
rep. by its General Secretary
P.Kuppusamy,
D.13, Mahathma Gandhi Salai,
Block-24, Neyveli.
 3. Neyveli Lignite Corporation Limited,
United Workers Union (AITUC),
rep. by its General Secretary
M.Edward Raj
- ... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge made in W.P.No.18182 of 2009 dated 12.01.2010.

Prayer in WP.18182 of 2009:

Petition filed under Article 226 of Constitution of India, praying to issue a writ of certiorari calling for records relating to the proceedings of the 2nd Respondent dated 29.08.2009 made in NA.KA.A2/2303/2009 and quash the same.



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For Appellant : Mr.N.Nithianandam
For 1st respondent : Mr.M.Devaraj
For 2nd respondent : Mr.Balan Haridas
For 3rd respondent : Mr.A.Palaniappan

JUDGMENT

(Judgment of the Court was pronounced by T.RAJA.J)

This Writ Appeal has been directed against the order of the learned Single Judge made in W.P.No.18182 of 2009 dated 12.01.2010.

2. Today, when the Writ Appeal was called, learned Counsel for the 3rd respondent has brought to our notice an affidavit filed on behalf of the 3rd respondent dated 18.01.2017. The learned Counsel for the 3rd respondent further submitted that recording the same, suitable orders may be passed in this Writ Appeal.

3. In this regard, it is relevant to extract Paragraphs 3 and 4 here under:

'3. I submit that the possession of the building has been handed over to us by the revenue authorities. However on account of the pendency of the Writ Appeal, the NLC Management, has not restored water and power supply.

4. I am the present Secretary of the 3rd respondent Union and for the welfare of the 3rd respondent union, I hereby give an undertaking that the premises allotted will be only utilized for the union activities of the 3rd respondent herein alone and I also undertake to demolish the unauthorized construction in the allotted premises with liberty to apply for approval for the construction from the appellants in future''.

4. Learned Counsel for the 1st respondent also submitted that the unauthorized construction has been demolished which has given rise to the dispute-in-question in the present Writ Appeal. Therefore, nothing survives in this case for adjudication.

5. However, learned Counsel appearing for the appellant-M/s.Neyveli Lignite Corporation submitted that if as promised by the learned Counsel for the 1st respondent, the said unauthorized construction has not been demolished, liberty may be given to them to remove the unauthorized construction. Further, the learned Counsel for the appellants submitted that from 2009 till



date, the 3rd respondent is not paying any licence fee, water charges and electricity charges.

6. In view of the above, four weeks time from the date of receipt of a copy of this Order is granted to the 3rd respondent to clear the licence fee, water charges and electricity charges and on such clearing the arrears as indicated above, the appellant-Neyveli Lignite Corporation Limited shall restore the water and electricity facilities forthwith. Liberty is also given to the appellants to remove the unauthorized construction, if that had not been demolished and removed earlier from the disputed place.

7. With the above directions, the Writ Appeal is disposed of. However, considering the facts and circumstance of the matter, the cost of Rs.5,000/- imposed by the learned Single Judge against the appellant Neyveli Lignite Corporation Limited is recalled and there will be no orders as to costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. All India Trade Union Congress
rep. by General Secretary
Cuddalore District.
2. The General Secretary,
N.L.C. United Workers Union,
D.13, Mahathma Gandhi Salai,
Block-24, Neyveli.
3. The General Secretary,
Neyveli Lignite Corporation Limited,
United Workers Union (AITUC),
Neyveli.
4. The Chairman and Managing Director,
Neyveli Lignite Corporation Ltd.,
Neyveli Town, Cuddalore.



5. The Eviction Authority cum Estate Officer,
Assistant Township Administrator,
Township Administrative Officer,
Neyveli.

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+1cc to M/S N.Nithianandam, Advocate, SR.No.39352

+1cc to M/S M.Devaraj, Advocate, SR.No.39641

W.A.No.157/2010

SSV(CO)
PM(03/09/2021)