



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

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The Honourable Mr. Justice Krishnan Ramasamy

W.P.Nos.24318 and 24319 of 2018
and

W.M.P.Nos.28333 to 28338 of 2018

M/s. Senthil Papers and Boards(Pvt.) Ltd.,
(Power Division)

rep.by its General Manager,
Ikkarai Thathapalli Village,
Sathyamangalam Taluk,
Erode District.

...Petitioner in both the W.Ps.

Vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary,
Public Works Department,
Fort St. George, Chennai.

2. The Executive Engineer,
Public Works Department,
Bhavanisagar Dam Division,
Bhavanisagar.

...Respondents 1 and 2 in both the W.Ps.

Prayer in W.P.Nos.24318 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for records of the impugned proceedings, bearing G.O.(Ms.) No.92, Public Works Department, dated 13.04.2018, issued by the first respondent and the consequential impugned notice, bearing Lr.No.Va.Pa/EVA.1/Co. Senthil Papers and Boards/306:M/2018, dated 27.07.2018, issued by the second respondent and to quash the same as being arbitrary and illegal.

Prayer in W.P.Nos.24319 of 2018:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for records of the impugned proceedings, bearing G.O.(Ms.)



No.92, Public Works Department, dated 13.04.2018, issued by the first respondent and the consequential impugned notice, bearing Lr.No.Va.Pa/EVA.1/Co. Senthil (Power Division)/307:M/2018, dated 27.07.2018, issued by the second respondent and to quash the same as being arbitrary and illegal.

Appearance of the counsel in both W.Ps.

For Petitioners : Mr.Rahul Balaji

For Respondents : Mrs.C.Meera Arumugam
Additional Government Pleader

COMMON ORDER

Both the Writ Petitions have been filed, challenging the proceedings of the first respondent, in G.O.(Ms.) No.92, Public Works Department, dated 13.04.2018, and the consequential order of the second respondent, dated 27.07.2018, and to quash the same.

2. At the very outset, Mr.Rahul Balaji, the learned counsel appearing for the petitioners submits that, in respect of a similar issue, the petitioner, who was similarly situated with that of the petitioners herein approached this Court by way of filing W.P.No.23248 of 2018, and the said Writ Petition was disposed of by this Court, vide order, dated 08.10.2018, and the relevant portion of the said order is reproduced hereinbelow:-

The issue involved in this writ petition is relating to G.O(Ms).No.92, Public Works (W2) Department, dated 13.04.2018.

2. When the writ petition is taken up for hearing, Mr.C.Manishankar, learned Additional Advocate General appearing for the respondents submitted that the impugned G.O relating to charges for water drawn for industrial purposes from the Government sources, was subsequently amended vide G.O(Ms).No.253, Public Works (W2) Department, dated 28.09.2018 and hence, nothing survives for adjudication in this writ petition. In support of his submission, he has produced a copy of the aforesaid G.O(Ms).No.253, Public Works (W2) Department, dated 28.09.2018, wherein, it has been amended as follows :-



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Amendment

For the existing table in para 5 of G.O(Ms) No.92, Public Works (W2) Department, dated 13.04.2018, the following shall be substituted :

Sl. No.

Description

Present rate

Revised Rate

1. Drawal of water for industrial purposes

For new industries, upto 5 years, 30 (Thirty) paise per 1000 (thousand) litres, subject to a minimum of Rs.3,000/- (Rupees Three thousand only) / annum effective from 09.05.1991.

For new industries at the rate of Rs.1.50 per 1000 litres, subject to a minimum of Rs.15,000/- per annum. Rates will be revised once in every three years.

2. Drawal of water for industrial purposes

For Existing industries 50 (Fifty) paise per 1000 (Thousand) litres, subject to a minimum of Rs.5000/- (Rupees Five thousand only) / annum effective from 09.05.1991.

G.O.Ms.No.890, Public Works Department, dated 09.05.1991 and G.O.Ms. No.474, Public Works (W2), Department, dated 13.11.2001.

For Existing industries Rs.1.50 per 1000 litres subject to a minimum of Rs.15,000/- per annum. Rates will be revised once in every three years.

3. Hence, the aforesaid G.O(Ms).No.253, Public Works (W2) Department, dated 28.09.2018, is recorded. In view of the subsequent development, no further order is required to be passed in this writ petition.



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4. At this juncture, the learned counsel appearing for the petitioner submitted that apart from the charges, various other issues are pending for consideration and hence, the petitioner may be given liberty to approach the authorities concerned for appropriate relief as and when required.

5. Granting such liberty, this writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.''

3. Therefore, the learned counsel prays that in view of the order passed by this Court in regard to an identical issue, similar order may be passed in the present Writ Petitions as well.

4. Mrs.C.Meera Arumugam, learned Additional Government Pleader for the respondents has no objection in following the previous order, dated 08.10.2018, passed in W.P.No.23248 of 2018.

5.Thus, in the light of the earlier order passed by this Court, vide its order, dated 08.10.2018 in W.P.No.23248 of 2018, this Court is of the view that the present Writ Petitions can also be disposed of on the same lines. Accordingly, both the Writ Petitions stand disposed of granting liberty to the petitioners to approach the Authorities concerned for appropriate relief as and when required. No costs. Consequently, connected Miscellaneous Petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Principal Secretary,
State of Tamil Nadu,
Public Works Department,
Fort St. George, Chennai.



2. The Executive Engineer,
Public Works Department,
Bhavanisagar Dam Division,
Bhavanisagar.

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+2cc to Mr.R.Parthasarathy, Advocate Sr.64708 and 64710
+1cc to the Government Pleader Sr.64811

W.P.Nos.24318 and 24319 of 2018

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