

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NOS.1168 TO 1177 OF 2013

AND

W.M.P.NOS.1, 1, 1, 1, 1, 1, 1,
1, 1 & 1 OF 2013

Surya Fly Ash Bricks,
Rep. By its Proprietor,
R.Sekar.

... Petitioner in
W.P.No.1168 of 2013

Hi-Tech Ash Bricks,
Rep. By its Proprietor,
M.Thilagavathi.

... Petitioner in
W.P.No.1169 of 2013

Sri Chenraya Perumal Enterprises,
Rep. By its Proprietor,
S.Vedhamurthy.

... Petitioner in
W.P.No.1170 of 2013

Saari Bricks,
Rep. By its Proprietor,
A.Ramakrishnan.

... Petitioner in
W.P.No.1171 of 2013

Devi Mosaic Industries,
Rep. By its Proprietor,
P.Thangamani.

... Petitioner in
W.P.No.1172 of 2013

Ganapathy Hollow Bricks,
Rep. By its Proprietor,
S.Meganathan.

... Petitioner in
W.P.No.1173 of 2013

Naveen Flyash Bricks,
Rep. By its Proprietor,
A.Subramaniam.

... Petitioner in
W.P.No.1174 of 2013

Sri Rajalakshmi Hollow and Fly Ash Bricks,
Rep. By its Proprietor,
Tmt.P.Krishnaveni.

... Petitioner in
W.P.No.1175 of 2013

Sri Raja Traders,
Rep. By its Proprietor,
M.K.Chinnasamy.

... Petitioner in
W.P.No.1176 of 2013

Sri Raja Hollow Bricks,
Rep. By its Partner,
M.K.Loganathan.

... Petitioner in
W.P.No.1177 of 2013

.Vs.

1. The Government of India,
Rep. by its Deputy Director,
Ministry of Environment & Forests,
146, Paryavaran Bhawan,
C.G.O. Complex,
Lodhi Road, New Delhi.
2. The Chief Engineer/Civil Designs,
The Tamil Nadu Generation and
Distribution Corporation Limited,
3rd Floor, Eastern Wing,
144, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer,
Mettur Thermal Power Project,
MTPP Stage III,
Mettur Dam - 6,
Salem District.

... Respondents
(in all W.P's)

PRAYER:-

Writ Petitions are filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned part of demanding "a sum of Rs.300/- per tonne towards service charges plus taxes and duties if any applicable has to be remitted at MTPP Stage III by you" in condition No.1 in the allotment order in Lr.No.CE/CD/SE/CD/EE2/AEE/F.MTPS/SCC/D.1852/12; D.2050/12; D.1731/12; D.1908/12; D.1922/12; D.1984/12; D.1877/12; D.1825/12; D.1997/12; D.1996/12 dated 03.10.2012 on the file of the 2nd respondent, quash the same and

consequently direct the respondents 2 and 3 to implement the Office Memorandum - File No.9-8/2005-HSMD dated 18.03.2011 and the Notification S.O.No.2804 (E) dated 3.11.2009 issued by the 1st respondent and forbear them from collecting any service charge plus taxes and duties from the petitioner in respect of Fly Ash allotment to be used for manufacturing the Bricks, Blocks and Tiles etc.

For Petitioner : Mr.V.Elangovan
in all W.Ps

For Respondents : Mr.K.Mohanamurali
in all W.Ps Senior Panel Counsel
For R1

Mr.Abul Kalam
Standing Counsel
For R2 & R3

C O M M O N O R D E R

These writ petitions have been filed challenging the service charges and taxes and duties imposed by the 2nd respondent through the impugned proceedings and for a consequential direction to the 2nd & 3rd respondents to implement the Official Memorandum dated 18.03.2011 and the Notification dated 03.11.2009 issued by the 1st respondent.

2. The issue involved in all these writ petitions is squarely covered by the Division Bench Judgment of this Court in W.A.Nos.1299, 1510 & 1538 of 2013, dated 19.08.2014. All the writ appeals were filed as against the orders passed in the writ petitions allowing the writ petitions and writ appeals were allowed and the orders passed in the writ petition was set aside. The order passed by the Division Bench will apply to the instant writ petitions also.

3. In view of the above, all the writ petitions are dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Deputy Director,
Ministry of Environment & Forests,
Government of India,
146, Paryavaran Bhawan,
C.G.O. Complex,
Lodhi Road, New Delhi.
2. The Chief Engineer/Civil Designs,
The Tamil Nadu Generation and Distribution
Corporation Limited,
3rd Floor, Eastern Wing,
144, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer,
Mettur Thermal Power Project,
MTPP Stage III,
Mettur Dam - 6,
Salem District.

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.38657

W.P.NOS.1168 TO 1177 OF 2013 AND
W.M.P.NOS.1, 1, 1, 1, 1, 1,
1, 1, 1 & 1 OF 2013

AJS(CO)
PBS/15/07/2022