



W.P.No.20648 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

THE HONOURABLE Mr.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE Mr.JUSTICE KUMARESH BABU

W.P.No.20648 of 2022

K.Mohan
Office at : S.F.No.178 Part
Shed No.M1
SIDCO Industrial Estate
Vengikkal Village
Thiruvannamalai District.

.... Petitioner

Vs

- 1.The Chairperson
Tamil Nadu Pollution Control Board
No.76, Mount Salai
Guindy, Chennai - 600 032.
- 2.The District Environmental Engineer
Tamil Nadu Pollution Control Board
Tiruvannamalai.
- 3.The Superintending Engineer
TANGEDCO
Tiruvannamalai Electricity Distribution Circle
Vengikkal Village
Tiruvannamalai - 606 605.



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4.The Assistant Engineer North
TANGEDCO Village
Tiruvannamalai.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to Letter No.T1/TNPCB/F.001017/Plastic ban/TVM/2022 dated 18.7.2022, issued by respondent No.1 and quash the same and consequently direct the respondents 3 and 4 to restore the electricity service connection bearing connection No.02-205-005-482 for Shed No.M1, SF.No.178 part, SIDCO Industrial Estate, Vengikkal Village, Tiruvannamalai District.

For Petitioner : Mr.Adithya Varadarajan

For Respondents : Ms.Shanmugavalli Sekar [RR1 & 2]
Mr.L.Jaivenkatesh [RR3 & 4]

ORDER

[Order of the Court was made by R.SUBRAMANIAN.J]

Challenge in this writ petition is to the letter dated 18.07.2022 issued by the Tamil Nadu Pollution Control Board.

2. The petitioner who is the owner of an industrial site bearing SF.No.178 Part, Shed No.M1, SIDCO Industrial Estate, Vengikkal Village, Tiruvannamalai



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District, has let out the premises for the purposes of manufacturing plastic bags. Since the unit operated without the consent of the Pollution Control Board, the unit was sealed by Tamil Nadu Pollution Control Board for manufacturing banned products. It is now claimed by the petitioner that the tenant has vacated and the petitioner himself has taken over the premises and has sought for restoration of power supply. While dealing with the said request, the Tamil Nadu Pollution Control Board has sent a letter to the petitioner, which reads as follows :

" With reference to your letter under ref 4th cited above, TNPCB has decided that the owner of the premises (K.Mohan) of SF.No.178 part, Shed No.M1, SIDCO Industrial Estate, Vengikkal Village, Tiruvannamalai District shall make a request to TNEB for domestic power supply and obtain the same from the TNEB / TANGEDCO.

However, if the premises is proposed to be utilized for industrial purpose on own / lease / rent basis, then the occupier of the unit shall apply and obtain necessary consent (Consent to Establish & Consent to Operate) from TNPCB under Water (P&CP) Act, 1974 as amended and under Air (P&CP) Act, 1981 as amended for its operation.

The receipt of the letter shall be acknowledged."

3. The apprehension of the petitioner is that the impugned letter does not



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reveal as to whether the petitioner will get an industrial service connection after he gets consent from the Pollution Control Board.

4. It is obvious that once the petitioner gets all necessary statutory permission / consent, he could apply to TANGEDCO for restoration of electricity connection for the purposes of industrial use.

5. Mr.L.Jaivenkatesh, learned counsel appearing for TANGEDCO would submit that if the petitioner applies with all necessary statutory permission/consent, TANGEDCO will provide him service connection for industrial purposes.

6. Recording the submission of the learned counsel for TANGEDCO, this writ petition is closed. No costs.

[RSMJ] [KBJ]
30.09.2022

Index : Yes / No
Speaking order / Non-speaking order
ds



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