



WEB COPY



W.P.Nos.3368, 2915, 2918 and 6076 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.Nos.3368, 2915, 2918 and 6076 of 2021
and W.M.P.Nos.3840 and 3842 of 2021
W.M.P.Nos.3264, 3265, 3267 and 3268 of 2021
and W.M.P.Nos.6709 and 6711 of 2021

W.P.Nos.3368 of 2021

Sirupooluvapatti Common Effluent Treatment,
Plant Private Limited,
S.F.No.632, Aathuvazhi Thottam,
Sirupooluvapatti Post,
Tirupur 641603 Tamil Nadu
Rep. by its Chairman Mr.D.Chidambaram

... Petitioner

Vs.

1.Secretary to the Government, Handlooms,
Handlooms, Handicrafts, Textiles and Khadi (C2) Department,
Government of Tamil Nadu,
Namakkal Kavignar Maaligai,
Fort St.George, Chennai 600 009
Email:htksec@tn.gov.in

2.The Director of Handlooms and Textiles,
Government of Tamilnadu,
Kuralagam,
Chennai-600 108.



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3. Commissioner of Handlooms and Textiles,
Government of Tamil Nadu,
Namakkal Kavignar Maaligai,
Fort St. George, Chennai 600 009

4.M/s.Tamil Nadu Water
Investment Company Ltd.,
1st Floor, Polyhouse Towers,
No.86, Mount Road,
Guindy,
Chennai-600 032

Represented by its Chief Executive Officer

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records of the impugned notification passed by 1st respondent bearing G.O.Ms.No.135, Handlooms, Handicrafts, Textiles and Khadi (C2) Department, dated 10.12.2020 and quash the same.

For Petitioner : M/s.R.Vidyashankar

For Respondents : Mr.V.Manoharan
Additional Government Pleader for R1 and R3

Mr.S.Raghunathan for R4

W.P.No.2915 of 2021

Veerapandi Common Effluent
Treatment Plant Limited,
548/1, Karuppagoundampalayam
Cotton Market Post,
Tirupur 641 604, Tamil Nadu

... Petitioner



W.P.Nos.3368, 2915, 2918 and 6076 of 2021

Vs.

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1.The Principal Secretary to the Government,
Handlooms, Handicrafts, Textiles and Khadi (C2) Department,
Government of Tamil Nadu,
Namakkal Kavignar Maaligai,
Fort St.George, Chennai 600 009
Email:htksec@tn.gov.in

2.The Director of Handlooms and Textiles,
Department of Handlooms and Textiles,
Kuralagam,
Chennai-600 108.

3.Commissioner of Handlooms and Textiles,
Government of Tamil Nadu,
Namakkal Kavignar Maaligai,
Fort St. George, Chennai 600 009

4.M/s.Tamil Nadu Water
Investment Company Ltd.,
1st Floor, Polyhouse Towers,
No.86, Mount Road,
Guindy,
Chennai-600 032
Represented by its Chief Executive Officer

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records of the impugned notification passed by the 1st respondent bearing G.O.Ms.No.135, Handlooms, Handicrafts Textiles and Khadi (C2) Department, dated 10.12.2020 and quash the same.



W.P.Nos.3368, 2915, 2918 and 6076 of 2021

For Petitioner : M/s.R.Vidyashankar

For Respondents : Mr.V.Manoharan
Additional Government Pleader for R1 and R3

Mr.S.Raghunathan for R4

W.P.Nos.2918 of 2021

Angeripalayam Common Effluent Treatment Plant Limited,
S.F.No.89, CETP Garden,
Kanjampalayam, Mannarai Village,
Pitchampalayampudur (P.O)
Tirupur 641603 Tamil Nadu

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Handlooms, Handicrafts, Textiles and Khadi (C2) Department,
Government of Tamil Nadu,
Namakkal Kavignar Maaligai,
Fort St.George, Chennai 600 009
Email:htksec@tn.gov.in

2.Director of Handlooms and Textiles,
Government of Tamil Nadu,
Kuralagam, Chennai-600 108

3.Commissioner of Handlooms and Textiles,
Government of Tamil Nadu,
Namakkal Kavignar Maaligai,
Fort St. George, Chennai 600 009

4.Tamil Nadu Water Investment Company Limited,
1st Floor, Polyhouse Towers,



W.P.Nos.3368, 2915, 2918 and 6076 of 2021

No.86, Mount Road, Guindy, Chennai-600 032

Represented by its Chief Executive Officer.

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... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records of the impugned notification passed by 1st respondent bearing G.O Ms.No.135, Handlooms, Handicrafts, Textiles and Khadi (C2) Department dated 10.12.2020 and quash the same.

For Petitioner : M/s.R.Vidyashankar

For Respondents : Mr.V.Manoharan
Additional Government Pleader for R1 and R3

Mr.S.Raghunathan for R4

W.P.No.6076 of 2021

Mannarai Common Effluent
Treatment Plant Private Limited,
S.F.No.209/2A, 2B1, 2B2,
S.Periyapalayam (P.O).
Uthukuli Road, Tirupur-641 607

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Handlooms, Handicrafts, Textiles and Khadi (C2) Department,
Government of Tamil Nadu,
Namakkal Kavignar Maaligai,
Fort St.George, Chennai 600 009
Email:htksec@tn.gov.in



W.P.Nos.3368, 2915, 2918 and 6076 of 2021

2. Director of Handlooms and Textiles,
Government of Tamil Nadu,
Kuralagam, Chennai-600 108

3. Commissioner of Handlooms and Textiles,
Government of Tamil Nadu,
Namakkal Kavignar Maaligai,
Fort St. George, Chennai 600 009

4. Tamil Nadu Water Investment Company Limited,
1st Floor, Polyhouse Towers,
No.86, Mount Road, Guindy, Chennai-600 032
Represented by its Chief Executive Officer.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records of the impugned notification passed by 1st respondent bearing G.O Ms.No.135, Handlooms, Handicrafts, Textiles and Khadi (C2) Department dated 10.12.2020 and quash the same.

For Petitioner : M/s.R.Vidyashankar

For Respondents : Mr.V.Manoharan
Additional Government Pleader for R1 and R3

Mr.S.Raghunathan for R4

COMMON ORDER



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For managing the hazardous waste from the dyeing Industry, the Government came out with a proposal to have Common Effluent Treatment Plants (in short "CETP") to be operated and serviced exclusively by the Tamil Nadu Water Investment Company Ltd., a Government aided company. The petitioners have availed the services of this company for its operation and maintenance and they also alleged to owe couple of Crores of Rupees each. In the meantime, alleging that the quality of service provided by the said company is inadequate, the petitioners approached the Director of Handlooms and Textiles, the Government of Tamil Nadu for permitting it to approach other CETP operators for the said purpose. The Director of Handlooms and Textiles has allowed the petitioners to engage other CETP operators. Alleging that the Director of the Handloom and Textiles does not have any authority to relax the monopoly which the Tamil Nadu Water Investment Company held in terms of the G.O., by which the original arrangement was made, the latter mentioned company had preferred W.P.No.12872 of 2020.

2.This Court is now informed that the Government has now come forward with



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another G.O.(Ms).No.184, Handicrafts, Textiles and Khadi (C2) Department,

dated 28.11.2022, in terms of which the petitioners' plants are permitted to avail the services of other CETP operators in the market but added a rider that the petitioners may have to settle their dues to the Tamil Nadu Water Investment Company.

3.Learned counsel for the petitioners has challenged the monopoly of the Tamil Nadu Water Investment Companies. The G.O., now passed in effect resolves the issue and the monopoly which the Tamil Nadu water Investment Company had in this branch of industry is now exposed to competition, but at the same time, the G.O also secures its interest with its rider. Effectively given the scope of each of these petitions, they do not have a cause of action any more for it to stay on the docket of this Court any longer.

4.Both the learned counsel for the petitioners and also the Tamil Nadu Water Investment Company made a joint statement that there is no commercial relationship between them. This implies that there are no outstanding dues from the petitioners in each of these petitions to the Tamil Nadu Water Investment



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Company. Since the grievance of the petitioners is addressed via

G.O.(Ms).No.184, Handicrafts, Textiles and Khadi (C2) Department, dated

28.11.2022, nothing needs to be considered further in this matter.

5.These Writ Petitions stand closed accordingly. No Costs. Consequently, the connected miscellaneous petitions are closed.

19.07.2023

(2/3)

Anu

Index : Yes / No

Neutral citation : yes/no

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1.The Secretary to the Government, Handlooms,
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3.Commissioner of Handlooms and Textiles,
Government of Tamil Nadu,

9/11



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Fort St. George, Chennai 600 009

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4.M/s.Tamil Nadu Water
Investment Company Ltd.,
1st Floor, Polyhouse Towers,
No.86, Mount Road,
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Represented by its Chief Executive Officer

5.The Principal Secretary to the Government,
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