



W.P.Nos.30514 of 2018 & 22374 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 16.06.2025

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.30514 of 2018 & 22374 of 2019

Malco Energy Ltd.,rep.by Legal Head
Formerly known as Madras Aluminium
Co.Ltd.,

Mettur Dam 636 402, India

..

Petitioner in both the W.Ps

VS

1. State of Tamil Nadu
rep.by the Secretary to Government
Public Works Department
Secretariat, Fort St.George
Chennai 600 009

2. The Executive Engineer
Public Works Department
Mettur Dam Division
Mettur Dam 636 401

..

Respondents 1 & 2 in both W.Ps

3. The Tamil Nadu Pollution
Control Board
No.76, Anna Salai
Guindy Industrial Estate
Race View, Chennai



W.P.Nos.30514 of 2018 & 22374 of 2019

(R3 impleaded as per order dated
08.11.2019 in WMP.31906/2019
in WP.22374/2019)

.. 3rd Respondent in
WP.22374/2019

W.P.No.30514 of 2018 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in relation to the impugned order of the 2nd respondent in No.A2/K water charges/2018 dated 05.10.2018 and the consequential letter No.K/Malco/138M/2018 dated 02.11.2018 and quash the same and consequently execute appropriate agreements by issuance of Government Orders for drawing of water at a rate of 24,000 m³/day for the period from 20.04.2005 to 01.04.2010, at a rate of 15,000 m³/day for the period from 02.04.2010 to 31.03.2019 and at a rate of 5,000 m³/day for the period from 01.04.2019 to 19.04.2025 in terms of the petitioner's request as set out in various communications culminating in communication dated 31.10.2018 and refund the excess sums paid for the period after 20.04.2005.

W.P.No.22374 of 2019 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in relation to the impugned order of the 2nd respondent in No.Th2/Co.Malco/2019 dated 29.03.2019 and consequential letter bearing No.57M/VaPa/EvA-1/Co.Malco/2019 dated 22.04.2019 issued by the 2nd respondent and quash the same and consequently direct the respondents herein to execute appropriate agreements by issuance of Government Orders for drawing of water in terms of the order of this Hon'ble High Court in W.P.No.30514 of 2018 and refund the excess sums paid for the period after 20.04.2005.

For Petitioner :: Mr.Rahul Balaji

For Respondents :: Mr.E.Vijay Anand
Additional Government Pleader
for R1 & R2



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COMMON ORDER

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These writ petitions have been filed challenging the impugned proceedings of the second respondent dated 05.10.2018 and 29.03.2019 and the consequential letters dated 02.11.2018 and 22.04.2019 respectively, and to quash the same with a consequential direction to the respondents to execute appropriate agreements by issuance of Government Orders for drawing of water in terms of the order of this Court in W.P.No.30514 of 2018 and refund the excess sums paid for the period after 20.04.2005.

2. When the writ petitions were taken up for hearing today, it was brought to the notice of this Court that during the pendency of the matters, G.O.(4D) No.47, Water Resources (W2) Department dated 04.10.2024 was issued by the Government. However, two important aspects were not dealt with in this Government Order and hence a representation was made on 20.01.2025 by bringing to the notice of the authorities that the ratification period for drawing water from 20.04.2005 to 31.03.2019 has not been mentioned and there is no indication regarding the execution of renewal

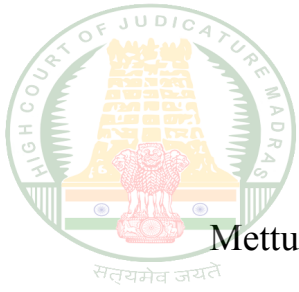


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agreements for drawing water for the periods from 20.04.2005 to 31.03.2019 and from 01.04.2019 to 31.03.2024 respectively, in the Government Order.

3. The above representation was given by the petitioner to the Chief Engineer, Water Resources Department, Trichy Region and the same is pending. In the considered view of this Court, this issue can be dealt with by the Executive Engineer, Water Resources Department, Mettur Dam, who shall submit a report, which shall be placed before the Chief Engineer. Thereafter, it shall be submitted before the Government to enable the Government to consider the grievance expressed by the petitioner and the report that is submitted by the Department. This process shall be completed within a period of three months from the date of receipt of a copy of this order.

4. Insofar as the execution of agreement for the current period, the learned Additional Government Pleader, on written instructions received from the Assistant Engineer, Water Resources Department, Civil Section,



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Mettur Dam, submitted that the same is under process. In view of the same, the execution of agreement for the current period shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. These writ petitions are disposed of with the above directions. Consequently, W.M.P.Nos.35586, 35588, 35589 of 2018, 21698, 21699, 21702 & 21709 of 2019 are closed. No costs.

Index : yes/no
Neutral citation : yes/no

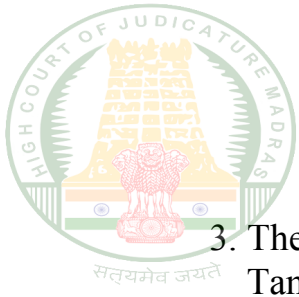
16.06.2025

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To

1. The Secretary to Government
Public Works Department
Secretariat, Fort St.George
Chennai 600 009

2. The Executive Engineer
Public Works Department
Mettur Dam Division
Mettur Dam 636 401



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3. The Member Secretary
Tamil Nadu Pollution
Control Board
No.76, Anna Salai
Guindy Industrial Estate
Race View, Chennai



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N.ANAND VENKATESH,J.

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