



W.P.(MD).No.19914 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.12.2023

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.19914 of 2021

K.Velsamy

... Petitioner

Vs.

1.The Secretary to Government,
Agriculture and Farmers Welfare Department,
Agricultural Protection Commissioner and
Secretary to Government,
Secretariat,
St.George Fort,
Chennai.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.Dharani Sugars and Chemicals Limited,
Unit-1, Dharani Nagar,
Athuvazhi Post, Vasudevanallur,
Tenkasi District.

... Respondents

*(*R3 is impleaded vide order dated 28.11.2023 made in W.M.P(MD).No.17474 of 2021 in W.P(MD).No.19914 of 2021*)*

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 18.09.2021 made before the



W.P.(MD).No.19914 of 2021

second respondent and the representation dated 05.10.2021 made before the first respondent and the Chief Minister's Special Cell to get his consideration amount for 102 tones of sugarcane from Dharani Sugars and Chemicals Limited and compensation relief for the said fire accident.

For Petitioner : Mr.M.Murugesan

For Respondents : Ms.D.Farjan Ghoushia
for R1 and R2
No-appearance for R3

ORDER

This Writ Petition was filed for issuance of a writ of Mandamus directing the second respondent to consider the representation made by the petitioner on 18.09.2021, wherein, the petitioner has sought for taking action against the third respondent as per the Tamil Nadu Revenue Recovery Act, 1864 and clause (3) of the Sugarcane (Control) Order 1966.

2. The grievance of the petitioner is that he is an agriculturalist and had supplied nearly 102 tones of sugarcane to the third respondent. The third respondent did not settle the amount and the petitioner was running from pillar to post to recover the amount. According to the petitioner, there are 100 other farmers who are also similarly placed and who were also not paid the amount by the third respondent inspite of sugarcane



W.P.(MD).No.19914 of 2021

being supplied to the third respondent. It is under these circumstances, the petitioner filed this Writ Petition for a direction to the District Collector, Virudhunagar District, to initiate appropriate proceedings and to recover the amount from the third respondent.

3. The second respondent has filed a counter affidavit to the effect that insolvency proceedings have been initiated against the third respondent under the Insolvency and Bankruptcy code by the Bank of India and the same was initiated before the National Company Law Tribunal, Chennai. Thereafter, the third respondent had filed an appeal before the National Company Law Appellate Tribunal, Chennai and the National Company Law Appellate Tribunal appointed an interim resolution Professional. In view of the same, the second respondent has taken a stand that no proceedings can be initiated against the third respondent in view of moratorium that has been declared.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2. The third respondent Company has been served with notice and the name has also been printed and however, there is no



W.P.(MD).No.19914 of 2021

representation either in person or through counsel.

WEB COPY

5. In the considered view of this Court, the petitioner and nearly 100 other farmers, who had supplied sugarcane to the third respondent, are now deprived of money and unfortunately, the insolvency proceedings have been initiated against the third respondent. In view of moratorium, the second respondent will not be in a position to initiate any proceedings against the third respondent for recovery of the amount. At the same time, it will be too difficult for the agriculturalists to individually go and make their claim to the Resolution Professional or before the National Company Law Appellate Tribunal, Chennai. The agriculturalists who are aggrieved belong to Virudhunagar District and it is beyond their means to go to Chennai and make their claim. Therefore, the official respondents will have to necessarily come to aid of the farmers who have been deprived of the amount that is originally payable to them for having supplied tones of sugarcane to the third respondent Company.

6. In view of the above, there shall be a direction to the second respondent to collect the particulars of all the farmers who were not paid



W.P.(MD).No.19914 of 2021

the amount for supply of sugarcane to the third respondent and the second respondent shall take steps to make necessary claim before the National Company Law Appellate Tribunal, Chennai. If any such claim is made by the second respondent on behalf of the farmers, the same shall be entertained by the National Company Law Appellate Tribunal, Chennai and it shall be ensured that the poor farmers are not deprived of the amount that is due and payable to them. Extraordinary cases require extraordinary relief to be granted and this is one such case. This Court is more concerned about the interest of the agriculturalists. Therefore, the above direction was issued and this order should not be taken as a precedent in any other case. The direction issued by this Court shall be followed and necessary claim shall be made before the National Company Law Appellate Tribunal/Resolution Professional, within a period of six weeks from the date of receipt of a copy of this order. That apart, the District Collector, Virudhunagar District, shall also verify as to whether the third respondent had deposited any amount under Clause (3)(7) of the Sugarcane (Control) Order, 1966, and if so, whatever amount is available, shall be disbursed to the petitioner.



W.P.(MD).No.19914 of 2021

WEB COPY

7. This Writ Petition is disposed of in the above terms. There shall be no order as to costs.

12.12.2023

Index : Yes/No

Internet : Yes/No

ssb

To

- 1.The Secretary to Government,
Agriculture and Farmers Welfare Department,
Agricultural Protection Commissioner and
Secretary to Government,
Secretariat,
St.George Fort,
Chennai.
- 2.The District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The National Company Law Tribunal,
Division Bench-I,
Chennai.
- 4.The National Company Law Appellate Tribunal,
Chennai.



WEB COPY



W.P.(MD).No.19914 of 2021

N.ANAND VENKATESH.J.,

ssb

**Order made in
W.P.(MD).No.19914 of 2021**

**Dated :
12.12.2023**