

Court No. - 39

Case :- WRIT - C No. - 38989 of 2023

Petitioner :- Upper Doab Sugar Mills

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Diptiman Singh

Counsel for Respondent :- CSC, Chandan Sharma

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Heard Sri Diptiman Singh (through video conferencing), learned counsel for the petitioner, Sri Chandan Sharma, learned counsel for the Cane Cooperative Society and Sri Dilip Kumar Kesarwani, learned Additional Chief Standing Counsel for the State.

2. Challenge has been raised to the reservation order nos. 786/C/Kray-1-Sur (255) / 2023-24, 781/C/Kray-1/ Sur (253) / 2023-24, both dated 30.10.2023 insofar as they seek to assign cane purchase center Hasanpur-II, Laak-VII, Panjokhara, Jassala-I, Malakpur-Gujjarpur in favour of respondent no. 3.

3. Petitioner claims preferential right to reservation of disputed cane area, amongst others on the strength of reservation orders passed in the past as also occasioned by investments made as have led to development of the reserved area leading to higher yield.

4. On the other hand, learned counsel for the respondent- cane cooperative society contends, if any, challenge is to arise, the petitioner has an efficacious remedy of statutory appeal available. To that learned counsel for the petitioner would contend that the appeals filed in normal course are not heard and decided within time. In fact, often such appeals are rendered infructuous, at the end of the crushing season.

5. Referring to such fate suffered by the petitioner with respect to the similar appeals filed in the past, heavy reliance has been placed on order dated 08.11.2017 passed by a coordinate Bench of this Court in Writ C No. - 52336 of 2017 (Upper Doab Sugar Mills Vs. State of U.P. And 3 Others) that reads as below:-

"Heard Sri Diptiman Singh, counsel for the petitioner, Sri Ashish Mishra, counsel for the respondent No. 3 and Sri Ravindra Singh

counsel for the respondent No.4.

Against the order impugned, the petitioner has statutory alternative remedy of appeal under section 15 of the U.P. Sugarcane (Regulation of Supply and Purchase) Act, 1953.

We find no reason to interfere at this stage. The petitioner may seek his statutory remedy before the State Government at the first instance.

It is provided that if the appeal is filed by the petitioner within 7 days, it shall be considered and decided in accordance with law after affording opportunity to the parties, expeditiously within three weeks, by means of a reasoned order. We make it clear that there should not be any complaint to the Court that the appeal has not been decided within the said period.

The writ petition stands disposed of with the above observations"

6. In such facts, parties are agreed that the present writ petition may be disposed of on the same terms.

7. Accordingly, the writ petition is **disposed of** in terms of the order dated 08.11.2017 in Writ C No. - 52336 of 2017, quoted above.

Order Date :- 8.11.2023

SK Srivastava

(Shiv Shanker Prasad,J.) . . . (S.D. Singh,J.)