

Court No. - 39

Case :- WRIT - C No. - 40827 of 2023

Petitioner :- Shiv Kumar

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

Counsel for Petitioner :- Manoj Kumar Gautam

Counsel for Respondent :- C.S.C.

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Shiv Shanker Prasad,J.

1. Having heard Mr. Manoj Kumar Gautam, learned counsel for the petitioner and the learned Standing Counsel for the State-respondents and perused the record, we find no good ground to offer any interference in the present writ petition.

2. The present writ petition has been filed ostensibly for the following relief:

"a. to issue a writ, order or direction in the nature of Mandamus directing to the respondent no.2 and 3 not to change the area of purchasing centre from Dwarikesh Sugar Mill Afjalgarh (Bijnor) to purchasing centre Mubarakpur (Dhampur Sugar Mill) Dhampur, District Bijnor."

3. On plain reading, it appears to be an effort to resist the reservation or assignment orders that may have been passed with respect to two competing sugar mills, namely, Dwarikesh Sugar Mill Afjalgarh (Bijnor) and Mubarakpur (Dhampur Sugar Mill) Dhampur, District Bijnor.

4. As to the dispute of reservation or assignment of purchasing area of sugarcane, statutory remedies are available by way of appeal, etc. Even then right to file an appeal vests not in the individual cane grower but in growers cooperative society etc.

5. In light of that settled legal position, the present writ petition appears to be a colourable exercise to overcome the arrangement made under the reservation/assignment orders that may have been passed by the Cane Commissioner.

6. Leaving it open to the petitioner to avail his remedy in accordance with law and without making any observations as to the merits of the controversy, the interference as claimed is declined.

7. The present writ petition is accordingly **dismissed**.

(Shiv Shanker Prasad, J.)

(Saumitra Dayal Singh, J.)

Order Date :- 28.11.2023

Sushil/-