

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE M.VENUGOPAL

W.A.No.309 of 2015
and
M.P.Nos.1 and 2 of 2015

The General Manager,
Shree Ambika Sugars Limited
Factory at Eraiyur Village
Pennadam (RS) (PO)
Cuddalore District
Pin 606 111.

... Appellant

Vs.

1.N.Radhakrishnan

2.The State of Tamil Nadu
rep. By the Secretary to Government,
Agriculture Department,
Secretariat, Chennai - 9.

3.The Commissioner of Sugar and Cane,
Periyar Building, Anna Salai,
Nandanam, Chennai - 35.

... Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 12.02.2015 made in W.P.No.28513 of 2014 and M.P.No.1 of 2014.

Petition filed under Article 226 of the constitution of India, praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to:

i) Issue a Writ or order or direction more particularly a Writ of Mandamus directing the 2nd Respondent the Commissioner of Sugar and

cane to enforce the provision of Sugar Control order 1966 and the G.O (Standing Order) No.252 dated 24.12.2013 of the 1st Respondent herein and to save the life of the Petitioner(in WP.No.28513 of 2014)

ii) grant and issue a order of direction directing the 4th respondent herein not to deduct any lease amount from the cane proceeds (in M.P.No.1 of 2014 in W.P.No.28513 of 2014)

For Appellant : Mr.Prahlad Bhatt
for M/s.Satish Parasaran

For Respondents : Mr.N.Radhakrishnan,
Party - in - person for R1
Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R2
Ms.Bala Ramesh for R3

JUDGMENT

(Judgment of the Court was delivered by SATISH K.AGNIHOTRI, J.)

The appellant has come up with the instant appeal, questioning the legality of interim order dated 12.02.2015 made in W.P.Nos.28513 & 28524 of 2014 and M.P.No.1 of 2014, whereunder, in the pending writ petition, the following order was passed:

"3.Accordingly, without prejudice to the rights of the third respondent Sugar Mill, there will be a direction to the third respondent to pay a sum of Rupees One Lakh to the petitioner, on or before 26.02.2015."

2.It is submitted by the learned counsel appearing for the appellant that taking the calculation of the writ petitioner, though the total amount payable by the appellant is Rs.1,61,145/-, as directed by the learned single Judge, a sum of Rs.1,00,000/- had already been paid and the subsequent order to pay a further sum of Rs.1,00,000/- would prejudice the case of the appellant as the appellant, in case of success, may not be in a position to recover the same from the writ petitioner/party in person.

3.Mr.N.Radhakrishnan/writ petitioner/party-in-person would submit that the writ petitioner is facing a lot of difficulties and problems. He would further submit that as he is a senior citizen, he cannot wait for the outcome and the consequential monetary benefits.

4.We have examined the facts. We are of the view that the impugned order directing the appellant to pay Rs.1,00,000/- to the writ petitioner needs to be modified. The said Rs.1,00,000/- is directed to be deposited with the Registry of this Court, within a period of one week from today, in the event, the writ petitioner succeeds, the said amount may be transferred to him. With this modification, we dispose of the writ appeal. However, we request the learned single Judge to consider the matter expeditiously as the writ petitioner is a senior citizen. No costs. Consequently, connected miscellaneous petitions are closed.

5.List the writ petitions in W.P.Nos.28513 and 28424 of 2014 before the learned single Judge on 02.07.2015.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Agriculture Department,
Secretariat, Chennai - 9.
- 2.The Commissioner of Sugar and Cane,
Periyar Building, Anna Salai,
Nandanam, Chennai - 35.
- 3.The Section Officer,
Writ Section,
High Court, Madras.

+1cc to M/s.N.Radhakrishnan, Party-in-Person, S.R.No.31233

W.A.No.309 of 2015

MP(CO)
CA(06/07/2015)

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