

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.8.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.28424 and 28513 of 2014
and M.P.No.1 of 2014

N.Radhakrishnan
Age 61 S/o.Natarajan,
Eraiur Village, Pennadam (RS) (PO),
Tittagudi Taluk, Cuddalore District....

Petitioner in
both W.Ps.

Vs.

Respondents in W.P.No.28424 of 2014:

- 1 The State of Tamilnadu
Rep. by the Commissioner Land Reforms,
Ezhilagam, Chepauk, Chennai-600 005.
- 2 The District Collector
Cuddalore District Cuddalore-607 001.
- 3 The Tahsildar
Tittagudi Taluk Tittagudi-606 106.
- 4 The Senior General Manager
Shree Ambika Sugars Limited Factory at
Eraiur Village Pennadam (RS) Post-606 111
Cuddalore District.

... Respondents

Respondents in W.P.No.28513 of 2014:

- 1 The State of Tamilnadu
rep. by 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 Senior General Manager
Shree Ambiga Sugars Ltd. Factory at Eraiur
Village Pennadam (RS) (PO) Cuddalore
District Pin 606 111

... Respondents

Prayer in W.P.No.28424 of 2014:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, Calling for the records in Na.Ka. A1-7700/2013 dated 27.12.2013 issued by the 3rd respondent and quashing the same and direct the Record Officer the 3rd respondent Tahsildar Tittagudi to include the name of the tenant cultivator in the Revenue Register as per The Tamilnadu Agricultural lands Records of Tenancy Rights Act (X of 1969) and issue copies of Chitta and Adangal for the 5.00 acres of land approximately situated in SF Nos.105/1A 92/1 93/3 93/4 93/5 and 93/9 of Eraiyur Village, Tittagudi Taluk Cuddalore District.

W.P.No.28513 of 2014:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of 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.

For Petitioner : N.Radhakrishnan
Party-in-Person
For Respondents-(1 to 3
in W.P.No.28424/2014 &
Respondent No.1 in
W.P.No.28513/2014 : Mr.S.Diwakar, A.G.P.
For Private Respondent : Mr.K.Prahalad Bhat
(viz.R-3 & R-4)
For Respondent No.2 : No appearance
(W.P.No.28513/2014)

COMMON ORDER

As the issue involved is between very same parties both writ petitions have been taken up and being disposed of by a common order.

2 W.P.No.28424 of 2014 has been filed challenging the order passed by the respondent No.3, dated 27.12.2013 by which request made by the petitioner to declare him as cultivating tenant was rejected.

3 W.P.No.28513 of 2014 has been filed by the petitioner seeking direction to the respondent No.2 to enforce the provision of Sugar Control order 1966 and the G.O.(Standing Order) No.252, dated 24.12.2013.

4 The petitioner is said to be a tenant of the third respondent mill. Petitioner raised Sugarcane. There was an agreement between the parties for the purpose of supplying Sugarcane.

The third respondent Sugarcane mill has helped the petitioner to get loan from Punjab National Bank, Eraiyur branch. The petitioner earlier filed an application to record himself as cultivating tenant. The said application was rejected and thereafter writ petition has been filed before this Court.

5 This Court disposed of the writ petition by directing the petitioner to exhaust statutory remedy. Petitioner did exhaust the said remedy, but failed in his attempt. Thereafter petitioner once again made application to record himself as Cultivating tenant. The said application was also rejected on 27.12.2013.

6 As against the order, dated 27.12.2013 petitioner directly come before this Court. Petitioner is bound by the reasoning of the order passed by this Court in the earlier round of litigation in W.P.No.1090 of 2011 by which he was directed to exhaust alternative remedy.

7 Accordingly, W.P.No.28424 of 2014 is disposed of with liberty to the petitioner to exhaust alternative remedy. He has been given further period of four weeks to file an appeal against the order, dated 27.12.2013. The appellate authority shall decide the same on merit and in accordance with law.

8 In so far as W.P.No.28513 of 2014, the claim of the petitioner is for payment made in pursuant to the agreement entered into between the parties. It appears that a sum of Rs.1 lakh has already been paid to the petitioner. In this case, grievance of the petitioner is that amount due to him has not been paid and therefore, petitioner has sought for direction to the respondent No.2 against the respondent/private mill. By subsequent order passed by this Court, another Rs.1 lakh has been deposited in Writ Appeal No.309 of 2015. The said amount was directed to be kept in bank deposit and accordingly, it was deposited in Indian Bank, High Court branch by the Registrar General of this Court.

9 The specific case of the petitioner is that respondent mill will have to pay Rs.1,46,000/-. Petitioner has also stated that Rs.1,15,000/- payable by the petitioner to the bank towards loan. Bank has also sent notice to the petitioner as well as the respondent mill in this regard.

10 The learned counsel for the respondent mill submitted that the petitioner has not paid rent over the years and therefore, right to set-off is available. He further submitted that claim of Rs.1,46,000/- is based upon the statutory advisory price which is not binding on the private mill mandatorily. This Court cannot go into the inter se dispute between the parties.

11 The learned counsel for the respondent mill placed reliance on the decision of the Apex Court in U.P. Co-operative Cane Unions

Federations vs. West U.P.Sugar Mills Association and others etc (AIR 2004 SC 3697) wherein the Hon'ble Supreme Court held as follows:

'The South Indian Sugar Mills Association, Tamil Nadu filed writ petition praying that a writ of mandamus or any other appropriate writ, order or direction may be issued forbearing the Government of Tamil Nadu and the Commissioner of Sugar and Cane, Chennai from fixing and announcing or notifying any price for sugarcane except the additional price under Clause 5A of the Sugar (Control) Order, 1966, to be paid by the sugar mills in Tamilnadu to the sugarcane growers for the sugar season 1999-2000. The writ petitions were transferred to this Court and were heard along with C.A.No.460 of 1997.'

12 This Court cannot go into the inter se dispute between the parties. It is for the respondent No.2 to decide the same. Petitioner did make a complaint to the respondent No.2 in this regard as early as on 15.10.2013. Therefore, it is suffice to direct the said authorities to conduct enquiry by calling the petitioner and the respondent/private mill and decide the issues pending between them. In so far as the claim of available amount of Rs.1 lakh which is lying on the file of this Court in W.A.No.309 of 2015 is concerned, this Court is of the view that the said amount is to be transferred from the Indian Bank, High Court branch to the Bank Manager, Punjab National Bank, Eraiyur branch pending adjudication by the respondent No.2. The respondent No.2 shall also pass consequential order with respect to the said amount based on the final order to be passed by him.

13 Considering the facts of the case, Punjab National Bank, Eraiyur branch is hereby directed not to take any coercive steps against the petitioner. It is made clear that amount received from the Indian Bank, High Court branch is subject to the final order to be passed by the second respondent viz., the Commissioner of Sugar and Cane, Periyar Building, Nandanam, Chennai.

14 Accordingly, the writ petitions stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

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s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary to Government
State of Tamilnadu, Agriculture Dept.,
Secretariat Chennai-9
 - 2 The Commissioner Land Reforms,
State of Tamilnadu, Ezhilagam, Chepauk, Chennai-600 005.
 - 3 The Commissioner of Sugar and Cane,
Periyar Building Anna Salai, Nandanam Chennai-35.
 - 4 The District Collector, Cuddalore District.
 - 5 The Tahsildar, Tittagudi Taluk Tittagudi-606 106.
 - 7 The Manager, Indian Bank, High Court branch, High Court,
Madras 104.
 - 8 The Manager, Punjab National Bank, Eraiyur Branch,
Penndam Taluk, Cuddalore District.
 - 9 The Section Officer, Accounts Section, High Court, Madras.
- + 1 cc to Govt.Pleader (Agriculture Dept) SR 42813
+ 1 cc to Govt.Pleader (Land Reforms) SR 42819
+ 1 cc to Mr.N.Radhakrishnan, Party in person SR 42470
+ 2 ccs to Mr.Sathish Prasaran, Advocate SRs.42464, 42538

ctk(co)
prk9/9

W.P.No.28424 and 28513 of 2014
and M.P.No.1 of 2014

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