

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.7979 and 30938 of 2013 and
M.P.Nos.1 and 1 of 2013

Karumbu Urpathiyalargal Munnetra Sangam
Kallakurichi Kooturuvu Sarkkarai Aalai -2
(Katchirapalayam)
Represented by its President,
S.Arunachalam Pillai.

...Petitioner in
W.P.No.7979/2013

Perambalur Nehur Sarkkarai Aalai
Karumbu Urpathiyalargal Sangam
Represented by its President
N.P.Anbhazhagan

...Petitioner in
W.P.No.30938/2013

Versus

1.The Secretary to Government,
Government of India,
Ministry of Consumer Affairs,
Food and Public Distribution Department
of Food and Public Distribution,
Krishi Bhavan, New Delhi.

2.The Commissioner of Sugars,
No.690, Periyar Building,
Nandanam, Anna Salai,
Chennai.

...1 & 2 in both WPs

3.The Chairman cum Managing Director,
Perambalur Sugar Mill,
Eraiur, Perambalur.

...3rd respondent in
W.P.No.30938/ of 2013.

Writ Petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the first respondent to fix Under Clause 5-A additional cane price as per Under Clause 5-A of Sugarcane Control Order, 1966 and consequently direct the respondents to disburse the Under Clause 5-A additional cane price to the members of the petitioners' sangam from the period 2004-2005 to 2008-2009 and 2003-2004 to 2008-2009 respectively.

For Petitioners : Mr.C.Prakasam
For Respondents : Mr.C.Kanagaraj, CGSC for R1

Mr.R.Bala Ramesh
Addl. Govt.Pleader for R2 in
W.P.No.7979/2013 and
for R2 and R3 in W.P.No.30938/2013

C O M M O N O R D E R

Heard Mr.C.Prakasam, learned counsel for the petitioners and the learned counsel appearing for the respondents.

2. The petitioners seek for a direction upon the first respondent to fix Under Clause 5-A additional cane price as per Under Clause 5-A of Sugarcane Control Order, 1966 and consequently direct the respondents to disburse the additional cane price to the members of the petitioners' sangam from the period 2004-2005 to 2008-2009 and 2003-2004 to 2008-2009 respectively.

3. When W.P.No.7979 of 2013 filed by Karumbu Urpathiyalargal Munnetra Sangam came up for consideration on 05.09.2013, this Court passed an order, wherein, it has stated in paragraphs 2 and 3 as follows:-

2. The first respondent filed a counter affidavit indicating the steps taken by the Government so far to fix the additional cane price in accordance with the provisions of Sugarcane Control Order, 1966. The first respondent in Paragraph No.9 of the counter affidavit indicated the reasons for the delay. However, in paragraph no.10 of the counter affidavit, the first respondent clearly indicated that in the interest of farmers, they have arrived at provisional fixation of 'L' factor for Tamil Nadu and Pondicherry zone. The undertaking given in paragraph No.10 reads thus:

"10. I respectfully submit that for the above said reasons is not possible for this respondent at this juncture to determine the "L" factor required for fixation of additional price by violating the rules, norms of the department. However, in the interest of the farmers, our office has arrived at provisional fixation of 'L' factor for Tamil Nadu and Pondicherry zone which is being examined by at various levels in the Ministry. On approval, the same will be communicated to the petitioner association as soon as possible."

3. The first respondent is directed to comply with the above undertaking by paying the additional cane price to the farmers provisionally. Such exercise shall be completed on or before 7 October 2013.

4. It is now submitted by the learned counsel for the petitioners that the order and direction made in W.P.No.7979 of 2013 has been complied with and cheque has been issued.

5. In the light of the above, W.P.No.30938 of 2013 is ordered in terms of the order passed in W.P.No.7979/2013 and the first respondent is directed to comply with the undertaking by paying the additional cane price to the farmers provisionally. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, both the writ petitions are disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Government of India,
Ministry of Consumer Affairs,
Food and Public Distribution Department
of Food and Public Distribution,
Krishi Bhavan, New Delhi.

2.The Commissioner of Sugars,
No.690, Periyar Building,
Nandanam, Anna Salai,
Chennai.

3.The Chairman cum Managing Director,
Perambalur Sugar Mill,
Eraiur, Perambalur.

+ 2 ccs to Mr.C.Prakasam, Adovate Sr.2699

+ 2 ccs to Government Pleader Sr.2636, 2504

WP.Nos.7979 and 30938 of 2013

RK(CO)

Eu 30.1.15