

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.25456 of 2009

ORDER:

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Heard learned counsel for the petitioner and learned counsel for the respondents.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in applying Clause 4 of the Sugarcane (Control) Order, 1966 and Section 3 D of the Essential Commodities Act, 1955 to the entire sugar produced by the petitioner company as arbitrary and illegal and consequentially to declare the petitioner company to be entitled to sell its free sale sugar stocks manufactures during the season year 2009-2010 to discharge its contractual and statutory liabilities.

When the matter is taken up for hearing, the learned counsel for the petitioner placed on record the order dated 29-10-2009 passed in W.P.Nos.24852 of 2003 and batch and also the order dated 10-03-2008 in W.P.No.18228 of 2004 passed by this Court, wherein this Court directed the respondents therein not to take any steps for prosecution of petitioner for sale of levy/free-sale sugar. It is to be noted that on 06.01.2010, this court granted interim direction permitting the petitioner to sell its free sale sugar stock manufactures during the sugar year 2009-2010 subject to condition that the petitioner company clears the dues payable to the farmers for the previous year crop and the present crop.

Since the writ petitioner was allowed to sell its free sale sugar stock after clearing the dues payable to the farmers for the year 2009-2010 pursuant to the interim order and as the petitioner has already sold the sugar in terms of the interim order, no further cause survives in this writ petition. It is needless to mention that the writ petitioner is always at liberty to approach this Court, if he is aggrieved by the action taken by the respondents for any subsequent years.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

24.11.2015

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