HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.29325 OF 2009

ORDER:

Heard learned counsel for the petitioner and learned counsel for the respondents. With the consent of both the parties the main writ petition is heard at the admission stage itself.

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 along with existing stocks.

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 31.12.2009, this court granted interim direction permitting the petitioner to sell its free sale sugar stock manufactures during the sugar year 2009-2010 subject to clearing the dues payable to the farmers for the sugarcane crop of previous years and for the present crop.

Since the writ petitioner was allowed to sell its free sale sugar stock after clearing the dues payable to the formers 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. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

29.09.2015

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