

THE HONOURABLE MR JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.3136 of 2015

-

ORDER

Heard learned counsel for the petitioner, learned Government Pleader for Industries and Commerce for respondents 1 and 2 and Sri Gogineni Krupachand, learned counsel for respondent No.3.

2. The petitioner and the third respondent are the two sugar factories in Khammam District. Their factories' zone was fixed by the orders of the Director of Sugar and Cane Commissioner, dated 26.11.2014, consequent upon the bifurcation of the State. According to the said order, the re-allotment and re-organization of the factory zones in Khammam District are necessary in view of bifurcation of the State. As per the said order, different factory zones were allotted to the petitioner as well as the third respondent. It appears, the third respondent preferred an appeal against the said order before the first respondent under Section 17 of Andhra Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1961. Petitioner states that he was given a notice by the Secretary on 04.12.2014, informing that hearing of the case is fixed on 11.12.2014 and he appeared on that day and filed a written submission dated 16.12.2014, which was acknowledged by the first respondent. The petitioner, however, was served with the orders passed by the Ministry of Industries dated 17.01.2015, which are questioned in this writ petition. By the aforesaid order, the orders of the Director of Sugar and Cane Commissioner were

stayed.

3. Learned counsel for the petitioner submits that entertainment of the said appeal and passing of an *ex parte* order after the petitioner had appeared on 11.12.2014 and submitted his written submission, is equally uncalled for and the interest of the rights of the factory zones as determined by the Cane Commissioner is implicated.

4. Apparently, the dispute relating to the factory zone is contentious between the petitioner and the third respondent, in view of the fact that the statutory appeal is pending with the first respondent, I am not inclined to go into the said dispute. In my view, the said dispute is necessary to be resolved expeditiously in the interest of the rights of the petitioner as well as the third respondent and the factory zones are determined among them as early as possible. For that, the correctness or otherwise of the order passed by the Director of Sugar and Cane Commissioner, which is challenged in the appeal, is required to be considered and adjudicated.

5. Hence, the Writ Petition is disposed of, directing the first respondent to fix an early date for hearing in the said appeal and to hear and determine the appeal expeditiously, preferably, within six weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V. AFZULPURKAR, J

13th February, 2015
sj

—