

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2016

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

W.P.No.28030 of 2016  
& WMP No.24174 of 2016

S. Sundaramoorthy

... Petitioner

Vs.

1. The Commissioner of Sugar and Cane,  
Periyar Building, Anna Salai,  
Nandanam, Chennai-600 035.
  2. The Kallakurichi Cooperative Sugar Mills,  
Unit-I, Rep by its Special Officer,  
Moongilthuraipet,  
Sankarapuram Taluk,  
Villupuram District,  
Pin : 605 702.
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 & 2 to register the sugar cane for the sugar season 2016-2017/2017-2018 and for subsequent sugar seasons in respect of the petitioner's share holder No.8267 as "free will area" in so far as the members of the Co-operative Sugar Mills as per judgement reported in (2010) 6 MLJ 251 (DB) and consequently forbearing the respondents 1 & 2 not refuse to register sugar cane for the sugar season from 2016-2017 2017-2018 onwards.

For Petitioner : Mr.S. Udayakumar  
For R-1 : Mr.L.P.Shanmugasundaram  
Special Government Pleader  
For R-2 : Mr.R.Balaramesh  
Addl. Govt. Pleader (Co.op)

O R D E R

The petitioner is one of the Sugar cane growers of Sankarapuram Taluk, Villupuram District right from the inception of the second respondent Sugar Mill at Moongilthuraipet and he is one of the shareholder. Though the petitioner's family has been cultivating sugar cane and supplying the same to the second respondent Mill for the past 49 years. While so, the petitioner

underwent by-pass surgery and thereafter went to USA and stayed there for six months. Due to unforeseen circumstances, the petitioner was unable to cultivate sugar cane for the past two years. Therefore, the petitioner approached the second respondent Mill to supply of sugar cane seed for plantation in 30 cents. However, the second respondent refused to supply the sugar cane seed stating that the petitioner's area is allotted to Dharani Sugars and Chemicals Limited, Unit-3, Kalayanallur Village, Sankarapuram Taluk. Therefore, the petitioner given representation on 30.05.2016 to the second respondent Mill to register the petitioner as a sugar cane grower and to supply the seeds. Subsequently notice dated 30.06.2016 was sent to the second respondent and reply was received on 23.07.2016 from the second respondent stating that the Mill had already achieved the maximum capacity of crushing of 4.30 lakhs tonnes of sugarcane and therefore, there is no possibility of registering the petitioner as sugarcane grower. Therefore the petitioner has approached this court by way of this writ petition.

2. Heard Mr.S. Udayakumar, learned counsel for the petitioner, Mr.L.P.Shanmugasundaram, learned Special Government Pleader for the first respondent and Mr.R.Bala Ramesh, learned Additional Government Pleader (Co.op) for the second respondent.

3. Though Mr.R.Bala Ramesh, learned Additional Government Pleader (Co.op) appearing for the second respondent would submit that 4.30 lakhs tonnes sugar cane was already achieved, Mr.S.Udayakumar, learned counsel for the petitioner pleads for registering of the petitioner as a sugar cane grower atleast for the next seasonal year **\*2016 - 2017**.

4. Taking into consideration the reasonable request made by the learned counsel for the petitioner, there shall be a direction to the second respondent Mill to register the petitioner as a sugar cane grower and to supply the seeds for the next season **\*2016 - 2017**.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS VII)  
Dated : 07.09.2016

**\*Corrected as per the Order of  
this Court dated 07.09.2016 and  
made herein.**

**Sd/-Assistant Registrar(CS VII)  
Dated : 12.09.2016**

/true copy/

Sub Asst. Registrar

To

1. The Commissioner of Sugar and Cane,  
Periyar Building, Anna Salai,  
Nandanam, Chennai-600 035.
2. The Special Officer,  
Kallakurichi Cooperative Sugar Mills,  
Unit-I, Moongilthuraipet,  
Sankarapuram Taluk,  
Villupuram District,  
Pin : 605702.

To be substituted to  
the Order already  
despatched on  
07.09.2016

+1 cc to Mr.S.Udayakumar,advocate,sr.51383

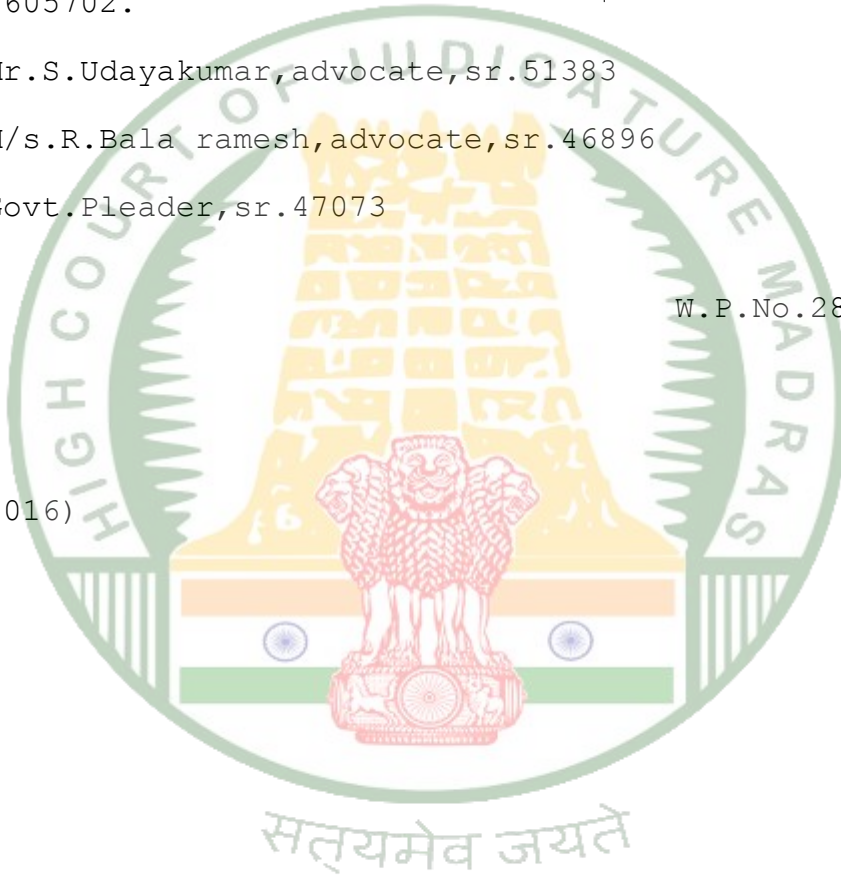
+1 cc to M/s.R.Bala ramesh,advocate,sr.46896

+1 cc to Govt.Pleader,sr.47073

W.P.No.28030 of 2016

vd(co)  
krd 7/9

CA(14.09.2016)



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