

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 30559 of 2016

J. Krishnamoorthy

..Petitioner

Vs.

1. The Commissioner
Tamil Nadu Co-operative
Sugar Federation
5th Floor, Periyar Building
No.690, Anna Salai
Nandanam
Chennai - 600 035.

2. The Managing Director
Chengalrayan Co-operative Sugar
Mills Ltd.,
Periyasevalai - 607 209
Ulundurpet Taluk
Villupuram District.

3. The Secretary
Department of Agriculture
Krish Bhavan,
Nandanam, Chennai.

.. Respondents

R3 impleaded as per order
of this court dated 01.09.2016

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pay the amount of a sum of Rs.10,96,313/- for the sugarcane supplied by the petitioner for the year 2014-2015 and 2015-2016 forthwith based on the representation of the petitioner dated 22.07.2016 with prevailing rate of interest for the delayed period and till the date of realisation and to pass further orders.

For Petitioner : Mr. C. Prabakaran

For Respondents : Ms. T. Girija,
Govt. Advocate (Co-op)
for R1

Mr. R. Balaramesh
Addl. Govt. Pleader (Co-op)
for R2

No appearance for R3

O R D E R

The petitioner has filed the present writ petition, seeking to direct the respondents to pay a sum of Rs.10,96,313/- for the sugarcane supplied by him during the year 2014-2015 and 2015-2016, forthwith based on the representation of the petitioner dated 22.07.2016, along with prevailing rate of interest, for the delayed period and till the date of realisation.

2. Learned counsel for the petitioner would submit that the petitioner being an agriculturist had supplied 418 tones of sugarcane, by way of 14 lorry loads, to the 2nd respondent sugar mill, during the year 2014-2015 and that there is an outstanding amount of Rs.1,46,424.60 to the petitioner. Again, in the year 2015-2016, a sum of Rs.9,49,888.50 has not been paid to the petitioner. The petitioner approached the 2nd respondent mill on several occasions. Despite the same, the 2nd respondent has not settled the dues to the petitioner, for the aforesaid period. Due to the non-payment by the 2nd respondent mill, the petitioner is finding very difficult to maintain the family, as agriculture is the only source of income to his family, he submitted many representations. Since, no action has been taken by the 2nd respondent, to pay the dues, the petitioner has filed the present writ petition before this Court, seeking the aforesaid prayer.

3. According to the petitioner, subsequently, the 2nd respondent mill has settled a sum of Rs.3,28,144/-. The balance amount due to be settled by the 2nd respondent mill is Rs.7,68,169/-. Learned counsel for the petitioner prayed before this Court, to direct the 2nd respondent to settle the entire due amount to the petitioner, along with 12% interest.

4. Learned Additional Government Pleader, representing the 2nd respondent submitted that the mill is facing financial crisis and so they are unable to settle the dues to the farmers, who have supplied sugarcane. However, steps are

being taken by the 2nd respondent to settle the dues to the farmers at an early date.

5. Heard the rival submission made by the parties and perused the material available on record.

6. It is an admitted fact that the 2nd respondent mill has not settled the dues to the petitioner, for the period 2014-2015 and 2015-2016, to a tune of Rs.10,96,313/-. Pending writ petition, the 2nd respondent mill has settled Rs.3,28,144/- and a balance of Rs.7,68,169/-, is yet to be settled by the 2nd respondent mill to the petitioner. The 2nd respondent mill has not settled the due amount for nearly three years to the petitioner. It is unfortunate for the petitioner to maintain his family, without the due amount being settled by the 2nd respondent Mill for the sugarcane supplied to them. Eventhough the 2nd respondent Mill faces financial crisis, the 2nd respondent ought to have made arrangements for settling the dues to the petitioner, within a reasonable time, considering the difficulty faced by the petitioner and his family members. Therefore, I am of the view that the petitioner is entitled to the relief as prayed for, in this writ petition.

7. Accordingly, the writ petition is allowed and the 2nd respondent Mill is directed to settle the balance amount of Rs.7,68,169/- in two instalments. A sum of Rs.3,50,000/- as a first instalment, to be paid within a period of eight weeks, from the date of receipt of a copy of this order. Thereafter, the 2nd respondent Mill is directed to pay the balance amount of Rs.4,18,169/- within a period of eight weeks. The 2nd respondent Mill is also directed to pay interest at the rate of 12%, for the aforesaid outstanding due amount to the petitioner, till the realisation of the said amount. It is needless to state that the 2nd respondent Mill has to take immediate steps to settle the due amounts, payable to the other farmers for the period 2014-2015 and 2015-2016. No order as to costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

avr

To

1. The Commissioner
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Sugar Federation
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Krish Bhavan,
Nandanam, Chennai.

+1cc to Mr.C.Prabakaran,Advocate sr.19832

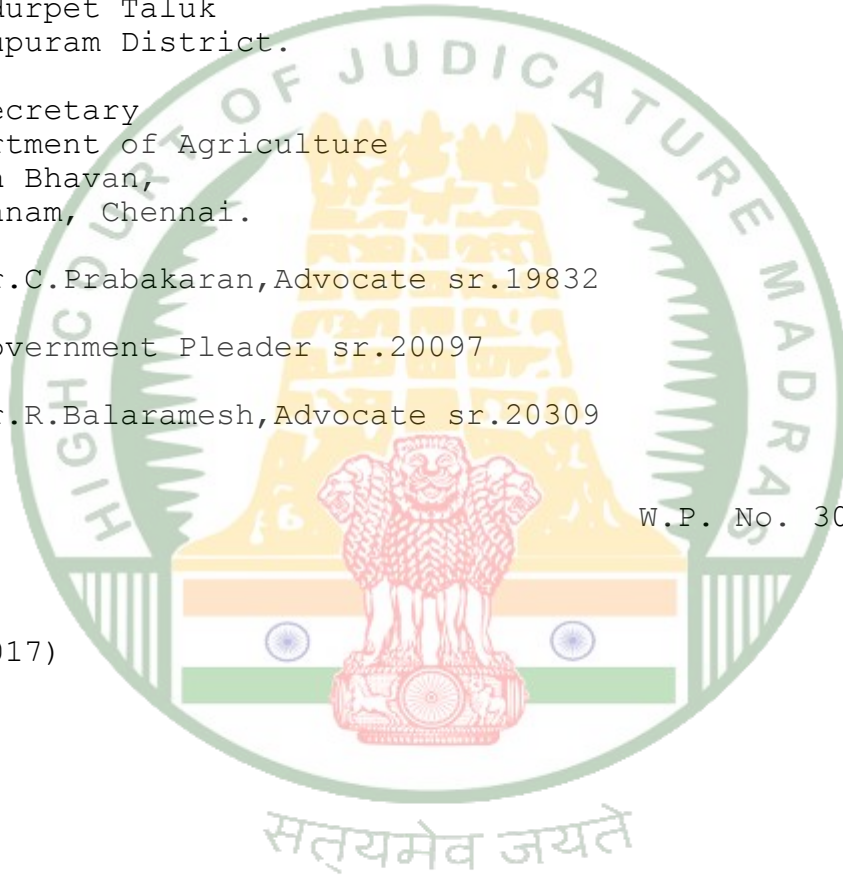
+1cc to Government Pleader sr.20097

+1cc to Mr.R.Balaramesh,Advocate sr.20309

W.P. No. 30559 of 2016

gj (co)

ss (22/5/2017)



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