

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.30472 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a writ, order or direction, one more particularly in the nature of Writ of Mandamus declaring:

(a) Inaction on the part of the official Respondents, in ensuring that sugarcane in the Factory Zone of the Petitioner's Sugar Factory is sold only to the Petitioner, as illegal, unjust and in violation of Section 16 of the A.P. Sugar Cane (Regulation of Supply and Purchase) Act, 1961 and consequently direct Respondent Nos. 2 to 6 to take all steps to prevent the diversion of Sugarcane from out of the Petitioner's zone notified in Proceedings bearing RC No. C1/2324/2015 dated 01.02.2017 including initiation of appropriate criminal proceedings against Respondents 7 to 20;

(b) Declare the action of Respondents 7 to 20 in purchasing the sugar cane from the factory zone notified in Proceedings bearing RC No. C1/2324/2015 dated 01.02.2017 as illegal, unjust and in violation of Section 16 2(A) of the A.P. Sugar Cane (Regulation of Supply and Purchase) Act, 1961 and consequently restrain Respondents 7 to 20 from purchasing and diverting sugar cane from the factory zone of the Petitioner's Sugar Factory notified in Proceedings bearing RC No. C1/2324/2015 dated 01.02.2017; and

(c) pass such further or other order or order/s as may be deemed fit and proper in the circumstances of the case and in the interest of justice.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *Ramachandra Rao Gurram*, learned counsel appearing for the petitioners, learned Government Pleader for Industries and Commerce appearing for respondents 1 to 3, learned Government Pleader for Home appearing for respondents 4 & 5, learned Government Pleader for Transport appearing for the 6th respondent, Sri *Challa Gunaranjan*, learned counsel appearing for

respondent Nos.9, 15 to 17 and of Sri *M.P. Chandramouli*, learned counsel appearing for the 11th respondent. I have perused the material record.

3. At the hearing, all the counsel appearing before this Court for the afore-stated respondents stated that this writ petition can be disposed of directing the respondents 2 & 3 to follow the procedure established by law and that if such a direction is given, the ends of justice would be met.

4. Recording the submissions, the Writ Petition is disposed of directing the respondents 2 & 3 to take appropriate action, in accordance with procedure established by law, to ensure that the sugarcane in the Factory Zone of the petitioner's Sugar Factory is sold only to the petitioner and, if necessary, issue consequential directions to the concerned. The afore-stated exercise shall be undertaken as per statute as and when necessary.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 16th November, 2017

Note: Issue C.C. in two (02) days.

(B/o.)
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