

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2018

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5600 of 2018
and
WMP.No.6936 of 2018

R.Gurunathan
S/o.Ramasamy Pillai

.. Petitioner

Vs.

1. The Secretary to Government
Industries Department
Fort St.George, Chennai-600 009.

2. The Commissioner of Sugars
Periyar Building, Anna Salai
Nandanam, Chennai-35.

3. The Managing Director
Tamil Nadu Cooperative Sugar Federation Ltd.,
Periyar EVR Building, 5th Floor,
Anna Salai, Nandanam
Chennai-600 035.

4. The Managing Director
Kallakurichi - II Coop. Sugar Mills Ltd.,
Kachirayapalayam - 606 207
Chinna Salem Taluk
Villupuram District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondents from starting the Ethanol Plant at Kallakurichi-II Coop. Sugar Mills Ltd., Kachirayapalayam - 606 207, Chinna Salem Taluk, Villupuram District.

For Petitioner: Mr.C.Prakasam

For Respondents: Mr.R.Govindasamy

Special Government Pleader for R1

Mr.L.P.Shanmugasundaram

Special Government Pleader for R2

Mr.R.Bala Ramesh

standing counsel for R3 & R4

O R D E R

The petitioner claiming to be one of the Board Directors of the fourth respondent Sugar Mill, has chosen to file the present writ petition seeking for mandamus, to forbear the respondents from starting the Ethanol Plant Kallakurichi-II Coop. Sugar Mills Ltd., Kachirayapalayam - 606 207, Chinna Salem Taluk, Villupuram District.

2. Heard Mr.C.Prakasam, learned counsel for the petitioner, Mr.R.Govindasamy, learned Special Government Pleader for the first respondent, Mr.L.P.Shanmugasundaram, learned Special Government Pleader for the second respondent and Mr.R.Bala Ramesh, learned standing counsel for the third and fourth respondents.

3. According to the petitioner, if the fourth respondent Sugar Mill is permitted to start Ethanol Plant by diverting the funds from the Sugar Mill, it will not help the agriculturist, more particularly, when such Plant started in other States was not successful. I do not think that the petitioner, based on such mere apprehension, can prevent the respondents from starting Ethanol Plant at the fourth respondent Sugar Mill, as such activity is considered as a constructive activity with which the petitioner is being one of the Directors of the fourth respondent Sugar Mill cannot have any objections, that too, based on mere apprehension. If the petitioner is having any money claim against the fourth respondent Sugar Mill for supplying the Sugarcane, it has to be worked out in the manner known to law and procedure and not preventing the authorities from establishing Ethanol Plant at the fourth respondent Sugar Mill. Therefore, I find no merits in this writ petition. Accordingly, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Industries Department
Fort St.George, Chennai-600 009.
 2. The Commissioner of Sugars
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Nandanam, Chennai-35.
 3. The Managing Director
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 4. The Managing Director
Kallakurichi - II Coop. Sugar Mills Ltd.,
Kachirayapalayam - 606 207
Chinna Salem Taluk
Villupuram District.
- + 1 cc to MR. C. Prakasam, Advocate Sr.19502
+ 1 cc to Government pleader Sr.19273
+ 1 cc to Mr. R. Balaramesh, Advocate Sr.18744
+ 1 cc to Mr. R. Balaramesh, Advocate Sr.18744 (05.04.18)

W.P.No.5600 of 2018

(CS-III)
EU(05/04/2018)

सत्यमेव जयते

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