

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

WP.No.1426 of 2018

S.Vijaya Kumar
S/o.K.Shanmuga Achari

... Petitioner

Vs.

1. The District Collector
Vellore, Vellore District.

2. The Director of Sugarcane
Commissioner of Tamil Nadu
No.620, 2nd Floor, Periyar Building,
Annasalai, Nandanam,
Chennai-600 035.

3. The Vellore Co-operative Sugar Mills
Rep. by its Administrator
Ammundi, Vellore,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 08.01.2018 and permit him to cut the sugarcane and to supply the same to the buyers at his choice at the prevailing market price.

For Petitioner : Mr.S.Vinothkumar

For Respondents: Mr.M.Jothikumar

Additional Government Pleader for R1

Mr.L.P.Shanmugasundaram

Special Government Pleader for R2

Mr.Bala Ramesh

Special Government Pleader for R3.

O R D E R

Mr.M.Jothikumar, learned Additional Government Pleader takes notice for the first respondent. Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the second respondent. Mr.Bala Ramesh, learned Special Government Pleader takes notice for the third respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the third respondent to consider his representation dated 08.01.2018 and permit him to cut the sugarcanes and supply the same to the buyers of his choice at the prevailing market price.

3. The petitioner claiming to be a Farmer of Sugarcane, is seeking for the above relief, by contending that because of non-issuance of cutting order in time, the Sugarcanes grown in the petitioner's land are allowed to get dried and consequently, the petitioner is made to suffer with heavy financial loss. Therefore, it is contended that the petitioner must be permitted to cut the sugarcanes and sell the same to the third parties of his choice.

3. The learned Special Government Pleader for the third respondent, however, submitted that when the third respondent Sugarcane - Mill is ready to take the Sugarcanes from the petitioner, there is no necessity for the petitioner to sell the same to the outsiders, more particularly, when there is a ban order issued by the State of Tamil Nadu against transporting and selling the Sugarcanes outside the State.

4. Since the respondents have come forward to consider the grievance of the petitioner and issue the cutting order immediately, this writ petition is disposed of, with a direction to the third respondent to consider the application of the petitioner seeking for cutting order and pass necessary orders, within a period of 7 days from the date of receipt of a copy of this order, so as to enable the petitioner to cut the Sugarcanes and supply the same to the third respondent Sugarcane Mill. Needless to say that any delay would make the Sugarcanes already grown and ripe for harvest to become waste, which would certainly, result in heavy monetary loss to the petitioner. Therefore, the third respondent should act quickly and issue the order to the petitioner, within the time stipulated by this Court.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The District Collector
Vellore, Vellore District.

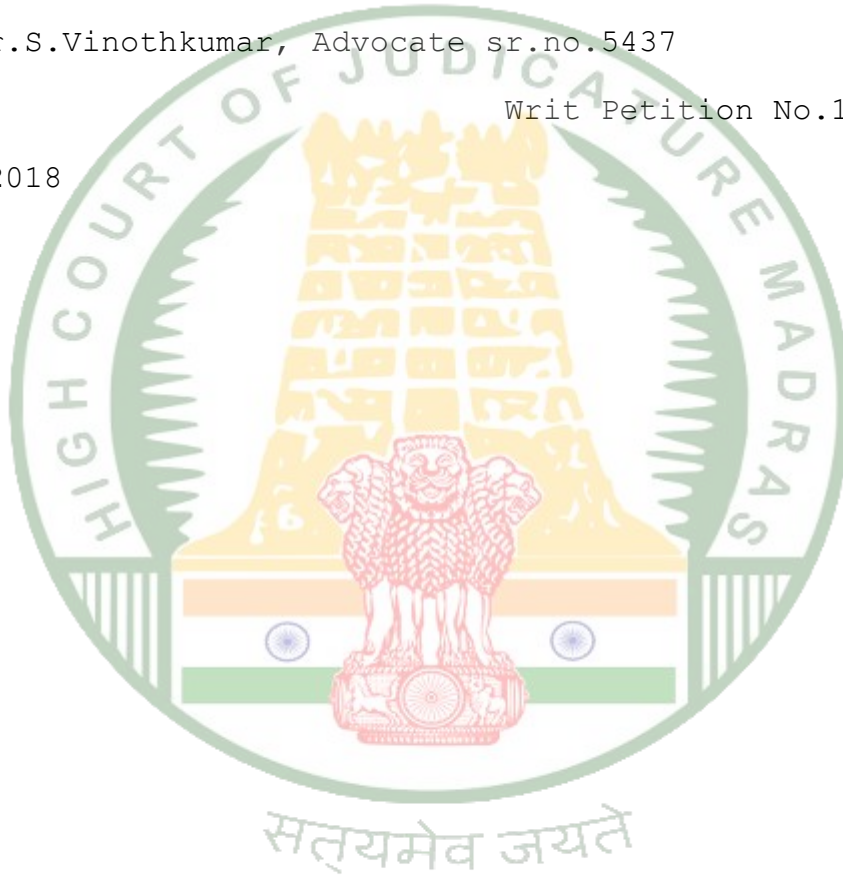
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+lcc to Mr.S.Vinothkumar, Advocate sr.no.5437

Writ Petition No.1426 of 2018

nr 24/01/2018



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