

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.532 of 2016

G.Gunasekaran

.. Petitioner

Vs.

1. The Commissioner of Sugars,
Periyar Maaligai, Nandanam,
Anna Sali, Chennai - 35.

2. The Deputy General Manager,
M/s.Thiru Arooran Sugars Limited,
A.Chithoor Village, Nallur Post,
Virudhachalam Taluk,
Cuddalore District

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 13.12.2015 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondents :Served-No Appearance

ORDER

The petitioner has come up with this Writ Petition seeking a direction to the first respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 13.12.2015 within a stipulated time.

2. According to the learned counsel for the petitioner, the petitioner is an agriculturalist, having patta land to an extent of 2.85 acres on his own and having a land to an extent of 9.15 acres cultivating sugarcane crop for the past several years by way of lease. The petitioner entered into an agreement with one M/s.Thiru Arooran Sugars Limited/the second respondent herein for supply of sugar cane. In the meanwhile, the petitioner had applied for a loan to the tune of Rs.9.56 lakhs before the State Bank of India, Attur Branch, for which, the second respondent

had given guarantee. When he approached the second respondent to issue an order, for cutting and supplying the sugarcane, the second respondent issued permission only to the extent of one acre, that too, after a lapse of one year. Despite several requests made by the petitioner, the second respondent had not come forward to issue the same. Hence, the entire sugarcane crops got damaged and became unfit for crushing purpose, due to which, he met with heavy loss. Further, the State Bank of India also insisted the petitioner to repay the loan amount. Hence, he made a written representation to the second respondent on 28.11.2015, but, there was no response. Therefore, he made another written representation to the first respondent on 13.12.2015 seeking a direction to the second respondent to disburse the sugarcane price along with interest together with compensation. In the meanwhile, a copy of the communication of the second respondent dated 26.12.2015 was sent to the petitioner stating that he has to pay a sum of Rs.5,46,000/- as compensation for not supplying the sugarcane and manufacturing the jaggery, for which, the petitioner sent a rejoinder legal notice to the second respondent on 27.12.2015 denying all the averments. Till now, the first respondent has not passed any orders on the written representation of the petitioner dated 13.12.2015. Hence, the petitioner is before this Court.

3. Heard Mr.C.Prakasam, learned counsel for the petitioner and perused the materials available on record.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the first respondent to consider the petitioner's representation dated 13.12.2015 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, the second respondent herein and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

Srn

To

The Commissioner of Sugars,
Periyar Maaligai, Nandanam,
Anna Sali, Chennai - 35.

+1 CC to Mr.C.Prakasam, Advocate sr 18747.

W.P.No.532 of 2016

VD(CO)
SP(01/04/2019)



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