

CWP No.6999 of 2011 (O&M) and connected petition

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Sr. No. 202

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.7000 of 2011 (O&M)

Date of Decision: 08.04.2019

Gurdaspur Coop. Sugar Mills Limited

... Petitioner

Versus

State of Punjab and others

... Respondents

CWP No.6999 of 2011 (O&M)

Batala Coop. Sugar Mills Limited

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Vikas Singh, Advocate,
for the petitioner(s).

Ms. Ambika Sood, DAG, Punjab.

Mr. Sunil Kumar Vashisth, DAG, Haryana.

Mr. Lakhvir Kumar, Advocate for
Mr. Nandan Jindal, Advocate,
for respondent No.4.

Mr. Sanjay Jain, Advocate,
for respondent No.5 in CWP No.7000 of 2011
for respondents No.3 and 4 in CWP No.6999 of 2011

ARUN MONGA, J.(ORAL)

Vide this common order, the above titled two writ
petitions are being disposed of, as the issue raised in both these
petitions is same.

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2. *Inter alia*, issuance of a writ in the nature of mandamus has been prayed directing the respondent-State to take appropriate action against private respondents No.3 to 6 (sugar mills) for having poached sugarcane area of the petitioner-sugar mill.

3. Learned counsel for the petitioner(s) contends that as per the provisions of Sugarcane Control Order, 1996 read with provisions of Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953, each sugar mill is assigned an area earmarked for purchase of the sugarcane produced by the agriculturists falling within the said area.

4. Learned counsel relies on letter dated 20.12.2010 (Annexure P-11) written by Assistant Cane Development Officer, Gurdaspur to Cane Commissioner, Punjab, wherein, specific instance of the date, time and the quantity of sugarcane was provided, to enable the Cane Commissioner to take appropriate action under the Sugarcane Control Order read with Sugarcane Control Act, *ibid*. However, despite persistent follow up, no action was taken, necessitating the filing of the present writ petitions.

5. Per contra, respondent No.5 in CWP No.7000 of 2011-AB Sugar Limited has denied the allegations of having encroached the area. Same is the stand by other private respondents.

6. Be that as it may, the said controversy by efflux of time has become stale, particularly, in view of following stand taken by the respondent-State of Punjab in the reply, which reads as under:-

“The matter whether or not the private mills owners

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have poached/contravened the rules of Sugarcane Control Order, 1966, Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953, Punjab Sugarcane Purchase and Supply Rule/Rules 1958 is concerned, action is being taken separately as per law by deponent. It is further submitted that deponent has initiated action against the private mills and owners of private mills have been asked to furnish their reply in response to complaint made by petitioner mill. It is submitted that on the complaints received from Asstt. Cane Development Officer, Amritsar against respondent Nos.3 to 5 that the respondent Nos.3 to 5 has illegally purchased the sugarcane from the areas of petitioner-mill. The deponent after issuing of show-cause notices to respondent Nos.3 to 5 has imposed the fine of Rs.999/- each in all cases on the respondent Nos.3-5 and has issued warning to them.”

7. In view of the aforesaid specific stand taken by the State and the fact that penal action of imposition of fine has already taken place, the writ petitions are rendered infructuous and do not survive for any further adjudication and the same are, accordingly, dismissed as such.

08.04.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No