

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23310 of 2018

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Vinay Kumar Yadav S/o Late Bhairav Prasad Yadav Resident of Village-
Jhumka Senuvariya, P.O.-Ghorpakri, P.S. Inarwa, District -West Champaran

... .. Petitioner

Versus

1. The State Of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna, Bihar.
2. The Principal Secretary, Sugar Cane Industries Department, Govt. of Bihar, Vikas Bhawan, Patna, Bihar
3. The Cane Commissioner, Vikas Bhawan, Patna, Bihar
4. The District Magistrate, West Champaran, Bettiah
5. The Sub Divisional Officer, Narkatiaganj, Bettiah
6. The Executive President, new Swadeshi Sugar Mills, Narkatiaganj, West Champaran, Pin No.845455
7. The Chairman cum-Managing Director the Oudh Sugar Mills 9/1, R.N., Mukherjee Road, Birla Building, 5th Floor, Kolkata-700001.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Sanjay Kumar, Advocate
For the Respondents :

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 04.12.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner.

Petitioner has prayed for the following relief:

*“For issuance of an order(s)/direction(s)
or writ(s) in the nature of Mandamus directing the
respondents for ensuring the realization of cane
dues payable by sugar Mills in the state of Bihar to
cane growers, comprising of the cane price*



alongwith statutory interest for crushing season 2016-17.

(ii) For issuance of an appropriate writ/order/direction in the nature of mandamus commanding the respondents to constitute a committee for disbursement of the dues, alongwith statutory interest, payable by sugar Mills in the State of Bihar to cane growers, comprising of the cane price for crushing season 2016-17.

(iii) For issuance of further order(s)/ direction(s) or writ(s) in the nature of Mandamus directing the State Respondent to issue recovery certificates against the sugar mills with maximum cane arrears.

(iv) For issuance of further order(s)/ direction(s) or writ(s) in the nature of Mandamus directing the Respondent No. 4 to monitor Respondent No. 6 (defaulting mills) in the district in offloading their sugar stocks at "best possible prices" and that all cane arrears, be cleared by paying dues to the framers (sic) concerned.

(v) For issuance of further order(s)/ direction(s) or writ(s) in the nature of Mandamus directing the Respondent No. 6 the defaulting mill to open an account in a nationalize bank and to deposit proceeds from sugar sales so that dues shall be paid to framers (sic) directly to their bank account, under the supervision of respondent No. 4.

(vi) For issuance of any further order(s)/ direction(s) or writ(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the instant case."

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.



Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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