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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOS.4033 & 16031 OF 2020

AND

W.P.NOS.27785 & 27783 OF 2019

AND

W.M.P.NOS.4762 & 19945 OF 2020

AND

W.M.P.NOS.27316 AND 27321 OF 2019

Senkottaiyan,
Son of Muthusamy Gounder
Palakadu, Balanaickenpalayam,
Kokarayanpet Post,
Kumarapalayam Taluk,
Namakal District.

... Petitioner in
W.P.No.4033 of 2020

R.Kumarasamy,
Son of Ramasamy,
2/166, Poosari Thottam,
Uppilipalayam,
S.Erayamangalam Tâluk
Thiruchengode Taluk,
Namakkal District
Tami Nadu

... Petitioner in
W.P.No.16031 of 2020

N.Kandasamy
Son of Nallaiya Gounder,
Alakadu, Vittampalayam,
Emapalli Post,
Thiruchengodu Taluk,
Namakkal District

... Petitioner in
W.P.No.27785 of 2019

Rajkamal,
Son of Kandasamy
Alakadu, Vittampalayam,
Emapalli Post,
Thiruchengodu Taluk,
Namakkal District

... Petitioner in
W.P.No.287783 of 2019



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.Vs.

1. The District Collector,
Namakkal,
Namakkal District.
2. The Commissioner of Sugar,
No.690 Anna Salai,
Nandanam,
Chennai - 600 035.
3. The District Revenue Officer,
Namakkal,
Namakkal District.
4. The Deputy Director of Agriculture-cum-
PA to District Collector(Agriculture),
Namakkal,
Namakkal District.
5. The Managing Director,
Ponni Sugars Erode Limited,
Kaveri RS, Pallipalayam,
Erode - 638 002.

... Respondents in
all the Petitions

PRAYER IN ALL THE PETITIONS:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus by directing the respondents 1 & 4 to initiate appropriate Revenue Recovery Proceedings as contemplated under Tamil Nadu Revenue Recovery Act, 1864 as against the 5th respondent Sugar Mill.

For Petitioner : Mr.S.Udaya Kumar

For Respondents : Mr.U.Bharanidharan
(R1, R3 & R4) Additional Government Pleader

For Respondents : No one Appeared
(R2 & R5)

O R D E R

The petitioner in all the writ petitioners have filed this writ petition seeking for issuance of Writ of Mandamus by directing the respondents 1 & 4 to initiate appropriate Revenue Recovery Proceedings as contemplated under Tamil Nadu Revenue Recovery Act, 1864 as against the 5th respondent Sugar Mill.



2. The Case of the petitioners in all the petitions is that the petitioners are farmers and cane growers. As per the Agricultural Production Commissioner and Secretary to Government in Letter No.121/S1/2004 dated 24.03.2001, Sugar Cane(Control) Order, 1966 as amended by Sugar Cane (Control) amendment order 2000, the Government of Tamil Nadu directed the Commissioner of Sugar to consider the grievance of the sugar cane growers and for this purpose Joint Directors and Assistant Directors of Agriculture were appointed as ex-officio cane Inspectors. Promulgating G.O.(Ms) No.11, dated 17.01.2001, the price given to the cane growers was not repaid by the 5th respondent and there was no provision made in the G.O. for recovery of cane price arrears, for which the petitioner made a representation to the 1st and 4th respondent, who are the designated authority. As per the cane control orders, the 4th respondent has to take steps to recover the arrears from the respective co-operative mills (private mills) and disburse the amount to the cane growers. Though the representations was given however, till date the representation was not considered and no recovery certificate was issued in favour of the petitioners and in terms of Revenue Recovery Act since no action was taken on the representation, the present writ petition is filed.

3. Mr.S.Udaya Kumar, learned Counsel appearing for the petitioners submits that this Court may issue a direction to the first respondent and fourth respondent to consider the petitioners representation within a reasonable time as fixed by this Court and shall take effective steps to initiate Revenue Recovery proceedings as contemplated under Tamil Nadu Revenue Recovery act.

4. The learned Government Advocate appearing for the respondents R1, R3 and R4 has no serious objections to such an order being passed. There is no representations for R2 and R5 in spite of notice.

5. Heard the learned counsel for the petitioner and learned counsel for respondents 1, 3 and 4 and perused the materials placed on record.

6. Though very many contentions have been raised, this Court without going into the merits of the issue, directs the respondents to consider the representation made by the petitioners and pass appropriate orders in accordance with law within a period of twelve weeks from the date of copy of this order.



7. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Namakkal,
Namakkal District.
2. The Commissioner of Sugar,
No.690 Anna Salai,
Nandanam,
Chennai - 600 035.
3. The District Revenue Officer,
Namakkal,
Namakkal District.
4. The Deputy Director of Agriculture-cum-
PA to District Collector(Agriculture),
Namakkal,
Namakkal District.

+5ccs to Mr.S.Udaya Kumar, Advocate, S.R.No.59198
+1cc to the Government Pleader, S.R.No.59457

W.P.NOS.4033 & 16031 OF 2020 AND
W.P.NOS.27785 & 27783 OF 2019

SR-II(CO)
PBS/03/01/2022