

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.8730 of 2021

C.Mohan Kumar

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
rep. by its Chief Secretary,
Fort St. George,
Chennai-09.

2.The Secretary to Finance,
Department of Tamilnadu,
Fort St. George,
Chennai-09.

3.The Co-operative Sugar Industries,
rep. by its Secretary,
Fort St. George,
Chennai-09.

4.The Commissioner of Sugar,
No.690, 2nd Floor,
E.V.R.Periyar Building,
Anna Salai, Nandanam,
Chennai-35.

5.The District Collector,
Mayiladuthurai & District.

6.The Managing Director,
NPKRR Co-operative Sugar Mill,
Thalainayar, Elanthoppu Post,
Mayiladuthurai Taluk & District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct all the respondents to re-open M/s.NKPRR Co-operative Sugar Mills, Thalaingayiru, Mayiladuthurai & District in view of the announcement made by the former Chief Minister of Tamil Nadu under Rule 110 of the Tamil Nadu Legislative Assembly Rules.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondent Nos.1, 2, 4
and 5

: Mr.Bala Ramesh
Spl. Government Pleader
for respondent Nos.3 and 6

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance of the petitioner is that a sugar mill in Mayiladuthurai District remains closed and that is the only sugar mill in the area. A writ in the nature of mandamus is sought for the State to be directed to take steps to re-open the mill.

2. In matters of the present kind, there can scarcely be a judicial order to direct the executive to take steps that pertain to matters of policy and economic considerations. There is no doubt that a large section of people may be benefitted by the mill being re-opened, but the viability of the mill, the future prospects, environmental considerations and many other factors go into the decision-making process in such regard that the Court is not equipped to undertake.

3. Accordingly, the petitioner is permitted to make a representation to the fourth respondent Commissioner of Sugar, whereupon such respondent will consider such representation in proper perspective. In the event the petitioner makes such a representation, indicating details as to why the mill should be re-opened, within four weeks from date, the Commissioner of Sugar will communicate a reasoned decision to the petitioner within eight weeks of receipt thereof.

4. W.P.No.8730 of 2021 is disposed of without any order as to costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Chief Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai-09.
- 2.The Secretary to Finance,
Department of Tamilnadu,
Fort St. George, Chennai-09.
- 3.The Secretary,
Co-operative Sugar Industries,
Fort St. George, Chennai-09.
- 4.The Commissioner of Sugar,
No.690, 2nd Floor,
E.V.R.Periyar Building,
Anna Salai, Nandanam,
Chennai-35.
- 5.The District Collector,
Mayiladuthurai & District.
- 6.The Managing Director,
NPKRR Co-operative Sugar Mill,
Thalainayar, Elanthoppu Post,
Mayiladuthurai Taluk & District.

+1cc to Mr.R.Balaramesh, Advocate, S.R.No.22148
+1cc to Mr.P.Vijendran, Advocate, S.R.No.22128
+1cc to the Government Pleader, S.R.No.22477, 22805

W.P.No.8730 of 2021

PMK (CO)
CB(27/04/2021)