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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26907 of 2021

and

W.M.P.Nos.28354, 28356

& 28357 of 2021

Kanchipuram and Villupuram
Mavatta Karumbu Vivasayigal Sangam,
Rep. by its President
No.1, G.S.T. Road,
Attrankarai,
Mamandur Post and Village,
Padalam, Mamandur Taluk,
Chengalpattu District.

... Petitioner

Vs

1. The Director of Agriculture cum
Sugarcane Commissioner,
Directorate of Agriculture and Farmers' Welfare,
Government of Puducherry,
Puducherry.
2. The Commissioner of Sugars,
Aavin Illam, Nandanam,
Chennai - 600 005.
3. Madurantakam Cooperative Sugar mills
Rep. by Managing Director,
Madurantakam, Chengalpattu District.
4. M/s.Puducherry Cooperative Sugar Mills Ltd.,
Rep. by its Managing Director,
Linga Reddy Palayam,
Puducherry.
5. M/s.E.I.D. Parry India Sugar Mills Ltd.,
Rep. by its Managing Director,
Unit-I, Nellikuppam - 607 105,
Cuddalore District.



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6. Rajsree Sugars and Chemicals Limited,
Rep. by its Managing Director,
Unit-II,
Mundiyambakkam
Villupuram District - 605 601.

7. M/s.Bannari Amman Sugars Limited,
Rep. by its Managing Director,
Unit-I, Sathyamangalam - 638 401,
Erode District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in proceedings No.5532/DA & FW/2021/J(S) dated 02.12.2021 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.R.Rajarajan

For Respondents

R1 : Mr.J.Kumaran
Additional Government Pleader
[Puducherry]
R2 : Mr.A.Selvendran
Special Government Pleader
R3 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

O R D E R

The order dated 02.12.2021 passed by the first respondent, Director of Agriculture cum Sugar Cane commissioner, Puducherry is under challenge in the present writ petition.

2.The petitioner is Kanchipuram and Villupuram Mavatta Karumbu Vivasayigal Sangam, which is a registered Association. The member of the Association are supplying sugarcane to the third respondent, Co-operative Sugar Mills. The order impugned dated 02.12.2021 is questioned by the petitioner Association on the ground that the first respondent does not have jurisdiction under Clause 6 of Sugar Cane Control Order, 1966 to make any orders regarding the distribution and movement of sugarcane with regard to the areas falling under the territorial limits of State of Tamil Nadu and thereby encroaching upon the distribution of the second respondent.

3.The learned counsel appearing on behalf of the petitioner reiterated that the first respondent has no jurisdiction in respect of the Command Areas of the closed E.I.D. Parry India Sugar Mills Limited and defunct Puducherry Cooperative Sugar Mills Limited, L.R.Palayam, Puducherry.



4.This Court is of the considered opinion that the territorial jurisdiction raised between the State of Tamil Nadu and Puducherry cannot be adjudicated at the behest of the petitioner Association who all are no way connected with such administrative decision taken at the Government level. No doubt if at all they find any irregularity in the matter of dealing with the issues or demarcating the areas based on the territorial jurisdiction, they are at liberty to approach the competent authorities including the Government of Puducherry, Government of Tamil Nadu and the third respondent, Madurantakam Cooperative Sugar Mills for submission of appropriate proposal, representation, etc. contrarily, the Association cannot file a writ petition for adjudication of such dispute between the States or raising a ground that the first respondent has no jurisdiction to interfere with the territorial jurisdiction of the State of Tamil Nadu or otherwise. These aspects require examination at the Government level and this Court in the present writ petition cannot decide such issues as the petitioner has no locus to question the order impugned in view of the fact that the order impugned is about declaration of Command Area under Ariyalur Sugar Factory and Puducherry Cooperative Sugar Mills Limited. No doubt the order impugned had been passed considering the representation from farmers. Thus, a decision is taken considering the representation of certain group of farmers and the present writ petitioner may also may raise certain objection on that, however, all such objections are to be raised before the Government for the purpose of re-consideration of this issue or for taking appropriate action at the highest level.

5.This being the scope, this Court is of an opinion that the petitioner is at liberty to approach the competent authorities of the Government for the purpose of resolving the issues. Contrarily, keeping this writ petition for a longer period would not do any service to the cause of justice, instead the parties may be permitted to approach the competent authorities to resolve the issues.

6.With these directions, the writ petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Director of Agriculture cum
Sugarcane Commissioner,
Directorate of Agriculture and Farmers' Welfare,
Government of Puducherry,
Puducherry.

2.The Commissioner of Sugars,
Aavin Illam, Nandanam,
Chennai - 600 005.

3.The Managing Director,
Madurantakam Cooperative Sugar mills
Madurantakam, Chegalpattu District.

4.The Managing Director,
M/s.Puducherry Cooperative Sugar Mills Ltd.,
Linga Reddy Palayam,
Puducherry.

+1cc to Mr.R.Rajarajan, Advocate SR. No.68194

+1cc to Government Pleader (Puducherry) SR. No. 68223

+1cc to Government Pleader, High Court, Madras SR. No.68329

W.P.No.26907 of 2021

PR (22/12/2021)