

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4945 of 2013
and
M.P(MD)Nos.1 and 2 of 2013

S.Rajamani

... Petitioner

Vs.

- 1.The Director,
Tamil Nadu Fire Rescue Services,
Chennai-600 019.
- 2.The Assistant Divisional Officer cum
General Information Officer,
Fire Rescue Services,
Theni Division, Theni.
- 3.M/s.Rajshree Sugar and Chemicals,
Unit-I, Varadaraj Nagar,
Theni District.
- 4.A.G.Raja

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent mill to pay compensation for the fire accident occurred on 20.08.2012 under Survey Nos.583 and 590/1 situated at

Muthuthevanpatti Village, Periyakulam Taluk, Theni District in the name of the fourth respondent.

For Petitioner	: Mr.R.Ganesh Prabu for Mr.R.Senthil Kumar
For R1 & R2	: Mr.S.Shanmugavel Additional Government Pleader
For R3	: M/s.V.Janaki Ramulu
For R4	: No Appearance

ORDER

The present writ petition has been filed seeking a Writ of Mandamus as against the third respondent sugar mill to pay compensation for the fire accident that occurred on 20.08.2012. As per the prayer, the compensation shall be disbursed in the name of the fourth respondent.

2. According to the writ petitioner, the fourth respondent in the writ petition is the registered farmer of the third respondent society for supply of sugarcane. The fourth respondent registered farmer has subleased the said land to the writ petitioner. According to the writ petitioner, the third respondent sugar mill has not passed cutting orders in time and there was a delay of 2 ½ months. In the meantime, a fire

accident has happened in the field and because of that, the entire crop got damaged. He has incurred a loss of around Rs.2,00,000/- (Rupees Two lakhs). In view of the delay caused by the third respondent mill in issuing cutting orders, the petitioner had to incur a loss of sum of Rs.2,00,000/- (Rupees Two lakhs).

3. On the other hand, the learned counsel for the third respondent had contended that there is no privity of contract between the third respondent and the petitioner. That apart, the third respondent being a private sugar mill, the question of issuing a mandamus as against the third respondent mill for grant of compensation will not arise. The learned counsel for the third respondent had further contended that there is no allegation in the writ petition that the fire accident has happened due to the third respondent herein. Hence, he prayed for dismissal of the writ petition.

4. A perusal of the affidavit and the documents filed in support of the affidavit clearly disclose that the writ petitioner has entered into a sublease agreement with the fourth respondent, who is the registered

farmer of the third respondent sugar mill. Admittedly, there is no privity of contract between the third respondent and the petitioner. That apart, there is no allegation, whatsoever in the writ petition that the third respondent sugar mill is in any way responsible for the fire accident that has happened in the field. The third respondent sugar mill being a private entity, the question of issuing a mandamus for payment of compensation does not arise.

5. In view of the above said observations, I find that there are no merits in the writ petition. This Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

25.07.2022

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Index : Yes / No
Internet : Yes / No

To

- 1.The Director,
Tamil Nadu Fire Rescue Services,
Chennai-600 019.
- 2.The Assistant Divisional Officer cum
General Information Officer,
Fire Rescue Services,
Theni Division, Theni.

W.P(MD)No.4945 of 2013

R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.4945 of 2013

Dated:
25.07.2022