



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3127 of 2022

M.Prabakaran

... Petitioner

/Vs./

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Chief Executive Officer,
Aringnar Anna Sugar Mill,
Kurungulam, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents to provide a sum of Rs.7,47,900/- (Seven lakh forty-seven thousand nine hundred rupees only) towards the loss caused to the petitioner and to pay a sum of rupees 3,00,000/- (Three lakh rupees only) towards the compensation to the petitioner.

For Petitioner : Mr.A.Azhageson

For Respondents : Mr.D.Sasikumar,
Additional Government Pleader.

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to provide compensation for the loss caused to the petitioner on account of the delayed cultivation of sugarcane in the petitioner's agricultural property by the second respondent.

2.According to the petitioner, he is the owner of the agricultural lands situated at S.Nos.422/3B, 422/4B, 422/15, 422/16B in Vengarai Village, Orathanadu, Thanjavur District and the second respondent ought to have cultivated the sugarcane under an agreement in his agricultural property and paid income out of it to the petitioner. But, according to the petitioner, due to the delay in cultivation of sugarcane by the second respondent, he has suffered a loss. He has given a representation on 27.01.2022 to the respondents requesting them to pay compensation for the loss suffered by the petitioner. According to the petitioner, the representation was not considered. In such circumstances, he has filed this writ petition.



3. Heard Mr.A.Azhageson, learned Counsel for the writ petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of respondents.

4. On instructions, the learned Additional Government Pleader appearing for the respondents denies the allegation of the petitioner. But, however he submits that the first respondent will consider the petitioner's representation seeking for compensation. He would also submit that the petitioner will have to give a fresh representation to the first respondent, as the earlier representation was given only to the second respondent.

5. No prejudice will be caused to the respondents, if the petitioner's representation seeking for compensation for the alleged non-cultivation of sugarcane within the stipulated time, as per the agreement between the parties is considered on merits and in accordance with law, after affording a fair hearing to the petitioner.

6. Therefore, this Court directs the petitioner to give a fresh representation to the first respondent seeking for compensation for the alleged non-cultivation of sugarcane within the stipulated time by the second respondent, within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the said representation, the first respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the second respondent, within a period of eight (8) weeks thereafter.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Chief Executive Officer,
Aringnar Anna Sugar Mill,
Kurungulam, Thanjavur District.

+1 CC to M/s.SPL GP (SR-7150[F] dated 18/02/2022)

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MGJ(02.03.2022) 3P 4C