



WEB COPY



WP.No.17459/2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.08.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.17459/2017 & WMP.No.18959/2017

Ammundi Vellore Sarkarai Allai
Karumbur Vivasayegal Munnetra
Sangam, rep.by its Secretary,
Mr.M.Raghupathy
Galivarthangal Village
Gugainallur Post, Katpadi Taluk
Vellore 632 515.

... Petitioner

Versus

- 1.The Commissioner of Sugar
Mr.Maheasan Kasirajan
690, Anna Salai,
Chennai 600 035.
- 2.The Managing Director
Vellore Cooperative Sugar Mills
Mr.Manivannan
Vellore Sugar Mills
Ammundi Sugar Mills Post
Katpadi Taluk, Vellore 632 519.
- 3.The District Collector
Sathuvachari, Vellore 632 009.



WP.No.17459/2017

4.The Joint Registrar/Managing Director
Cheyyar Cooperative Sugar Mill Ltd
Cheyyar and Enquiry Officer
Vellore Cooperative Sugar Mill
Ammundi, Sugar Mill Post
Katpadi Taluk, Vellore-632 519.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the entire records relating to the "Thina Thandhi" daily newspaper publication dated 13.06.2017 issued by the 2nd respondent and to quash the same.

For Petitioner	:	Mrs. G.Arulselvi for Mr.T.Karunakaran
For RR 1, 3 & 4	:	Mr.S.Ravikumar, Spl.GP
For R2	:	Mr.L.P.Shanmugasundaram

ORDER

(1) The writ petition has been filed in the nature of a certiorari seeking records relating to a newspaper publication in the newspaper "Thina Thandhi" on 13.06.2017 which was issued by the 2nd respondent.



WP.No.17459/2017

WEB COPY

(2) The petitioner is Ammundi Vellore Sarkarai Allai Karumbur

Vivasayegal Munnetra Sangam, in Galivarthangal Village at Katpadi Taluk in Vellore District.

(3) Learned counsel for the petitioner stated that the members of the petitioner Sangam are sugarcane agriculturists and they had supplied sugarcanes to the 2nd respondent, Vellore Cooperative Sugar Mills at Ammundi in Katpadi in Vellore District. It is the grievance which has been raised by the learned counsel for the petitioner that the 2nd respondent, having received the supplies of sugarcane, has unfortunately defaulted in making payments regularly. The payments got accumulated and it is complained that a sum of Rs.24 Crores is due and payable to the members of the petitioner Society by the 2nd respondent.

(4) The 2nd respondent had independently issued a newspaper publication on 13.06.2017 which is sought to be set aside by the petitioner herein. By the said paper publication, the 2nd respondent called for filling up the posts under the categories of Stenographer, Junior Clerk [Seasonal], Cane Assistant, Midwife, Pharmacist, Lab Chemist



WP.No.17459/2017

WEB COPY

[Seasonal], Electrical Helper and Turner. The petitioner had filed the present writ petition stating that when the 2nd respondent has a huge amount to be paid to the petitioner Society, they had called for filling up of posts and that the salary which has to be paid to those who would be appointed, could be better utilised by repaying the loans of the petitioner herein. I am not able to understand the logic behind filing of the writ petition.

- (5) The cause of action of the petitioner is totally different. It had arisen over the fact that the petitioner and its members had supplied sugarcane to the 2nd respondent. They can always initiate appropriate action in manner known to law for recovery of the amounts due. They cannot file a writ petition and seek setting aside of a newspaper publication by which the 2nd respondent had called for applications for the above posts. The qualifications required for some of the above posts are just higher secondary, basic degree and 8th standard pass. By filing this writ petition, a few genuine candidates who might have got placement in the 2nd respondent alone have been affected. If the petitioner has not received Rs.24 Crores, the petitioner has to



WP.No.17459/2017

WEB COPY

necessarily initiate appropriate proceedings for recovery of the said amount. They cannot stall the advertisement/newspaper publication and appointment of individuals and claim that they can oversee the financial aspects of the 2nd respondent and project a case that the amount paid towards salary can be utilised for repayment of the loan of the petitioner herein.

- (6) In the first place, the petitioner will have to establish their claim. They will have to establish that the claim is within the period of limitation. They will have to establish that they have actually supplied the sugarcane to the 2nd respondent and that the sugarcanes were of good quality and the 2nd respondent had utilised it for their purposes. All these facts will have to be established by the petitioner herein before they can file any petition seeking recovery of the amount.
- (7) A counter affidavit has been filed by the 2nd respondent. But, irrespective of that, the averments of the petitioner themselves do not pass the scrutiny of this Court.



WP.No.17459/2017

(8) The writ petition stands **dismissed**. The petitioner is at liberty to take any independent action seeking recovery, which will always be subject to law providing for it. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2023

AP

Internet : Yes

To

- 1.The Commissioner of Sugar
Mr.Maheasan Kasirajan
690, Anna Salai,
Chennai 600 035.
- 2.The Managing Director
Vellore Cooperative Sugar Mills
Mr.Manivannan
Vellore Sugar Mills
Ammundi Sugar Mills Post
Katpadi Taluk, Vellore 632 519.
- 3.The District Collector
Sathuvachari, Vellore 632 009.
- 4.The Joint Registrar/Managing Director
Cheyyar Cooperative Sugar Mill Ltd
Cheyyar and Enquiry Officer
Vellore Cooperative Sugar Mill
Ammundi, Sugar Mill Post
Katpadi Taluk, Vellore-632 519.



WEB COPY



WP.No.17459/2017

C.V.KARTHIKEYAN, J.,

AP

WP.No.17459/2017

02.08.2023