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W.P.No.27808 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.27808 of 2017
&
W.M.P.No.29798 of 2017

- 1.M.Hari
- 2.Eganatha Naidu
- 3.Subramani Naidu
- 4.Varadarajulu Naidu
- 5.Rajendran
- 6.Subramani
- 7.S.M.Selvam
- 8.E.Narasimalu Naidu
- 9.Renuka
- 10.Lakshmi

...Petitioners

Vs.

- 1.The Collector
Thiruvallur District
Thiruvallur.
- 2.The Tiruttani Co-operative
Sugar Mills, Tiruthani
Thiruvallur District
Rep by its Administrator
Thiruvallur
- 3.The Director of Sugar/cane
Commissioner of Tamil Nadu,
690, 2nd Flr., Periyar Building,
Anna Salai, Nandanam, Chennai – 600 035.



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(R3 – impleaded as per order of
this Court dated 07.11.2017 in
W.M.P.No.30593 of 2017 in
W.P.No.27808 of 2017)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the impugned order passed by the 3rd respondent in RC No.10330/Cane-2/2017 & Notification RC No.10330/Cane-2/2017 dt.26.09.2017 and the consequential order passed by the 1st respondent in RC No.55/2016/AGRI dt.11.10.2017 and quash the same and consequently forbearing the respondents from interfering with the movement of the petitioners sugarcane in any manner including areas outside the State of Tamil Nadu.(prayer amended as per order of this Court dated 07.11.2017 in W.M.P.No.30595 of 2017 in W.P.No.27808 of 2017).

For Petitioner : Mr.Noorudeen
for Mr.P.Krishnan

For Respondents : Mr.Alagu Gowtham,[for R1]
Government Advocate
Mr.Kamaraj,[for R2]
For Mr.L.P.Shanmuga Sundaram
No appearance [for R3]

ORDER

The petitioners claim to be agriculturists owning lands and cultivating sugarcane at Pallipet and Thiruthani Taluk, Thiruvallur District. R2, the



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Tiruttani Co-Operative Sugar Mills is in possession of a reserved area of operation in specified taluk in 3 districts, being, Vellore, Thiruvallur and Kancheepuram.

2. The petitioners seek mandamus forbearing the respondents from interfering with the movement of the sugarcane in any manner including to the areas outside the State of Tamil Nadu. When the matter had came up for admission, this Court had passed the following order on 17.11.2017:-

“The petitioners, who are non registered sugar cane growers are aggrieved against the order of the third respondent dated 26.09.2017 and the consequential order passed by the first respondent dated 11.10.2017. Consequently, they also seek to forbear the respondents from interfering with movement of the petitioners sugar cane in any manner including the areas outside the State of Tamilnadu.

2.In and by the above impugned orders, the transport of sugar cane, either registered or unregistered with the Cooperative, Public and Private Sector Sugar Mills during 2017-2018 crushing season from the reserved areas of cooperative Public and Private Sugar Mills, is prohibited with immediate effect. The correctness or otherwise of the impugned orders have to be gone into and decided, while taking up the main writ petition for final disposal.

3.The second respondent has filed a counter affidavit. However, as Mr.R.Gandhi, learned Senior Counsel appearing for the petitioners urged this



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court to grant permission for these petitioners to transport the sugar cane to the place of their choice even outside the state of Tamilnadu, as the sugar cane grown by these petitioners is already ripe for harvest and it would not brook further delay, which is opposed by the learned Additional Advocate General Mr.STS.Murthy by citing the impugned orders, this Court is of the view that interest of both parties will be protected by way of an interim measure, in view of the specific undertaking given by the second respondent, in the affidavit filed dated 14.11.2017 at paragraph No.9, which reads as follows:

*"9.I submit that under these circumstances, when the petitioners register and supply their sugar cane after entering into an agreement with the second Respondent viz., Tiruttani Cooperative Sugar Mills, it is humbly assured that the **"Fair & Remunerative Price" [F.R.P]"** fixed by the Central Government will be fully paid to the petitioners within a week time from the date of supply of the sugar cane to the Second Respondent Mill. The **"State Advised Price [SAP]"** is yet to be announced by the Government of Tamil Nadu and therefore, it is submitted that the SAP Cane Price will be paid to the farmers as and when the same has been announced by the Government of Tamil Nadu for the year 2017-2018."*

4.Since the petitioners are non registered sugar cane growers and they are also prevented from transporting the sugar cane outside the State



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and since the second respondent has specifically given an undertaking before this court that once the petitioners register and supply their sugar cane with the second respondent, the FRP viz., Fair and Remunerative Price fixed by the Central Government will be fully paid to the petitioners within a week from the date of supply of sugar cane to the second respondent Mill, the following interim direction is Issued:

a) The petitioners shall make their respective application before the second respondent on or before 21.11.2017 for supply of their sugar cane;

b) On receipt of such application, the second respondent shall issue cutting order to the petitioners immediately on the date of receipt of the said application itself;

c) On receipt of such cutting order, the petitioners shall cut the sugar cane and supply to the second respondent as early as possible;

d) On receipt of such supply by the petitioners, the fair and remunerative price fixed by the Central Government shall be paid by the second respondent to the respective petitioners within a seven (7) days time from the date of such supply.

Post the matter for final disposal after four weeks."

3. A status report has also been filed by R2 as on 22.11.2021, wherein they confirm that there are no dues in respect of any payments due to the petitioners.



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4. With this, I am of the considered view that the Writ petition has achieved its purpose and need be kept pending no longer.

5. Recording this, this Writ petition and connected miscellaneous petition is closed. No Costs.

05.01.2023

mpl

Index : Yes/No

Speaking Order

To

1.The Collector

Thiruvallur District

Thiruvallur.



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DR.ANITA SUMANTH,J.
mpl

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