



W.P.(MD)No.6747 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.6747 of 2023

Tamil Nadu Sugarcane Farmers Association,

Rep. by its Secretary,

T.Kasinathan

... Petitioner

Vs.

1.The Additional Chief Secretary / Commissioner of

Sugar and Cane Commissioner,

No.690, Annasalai Nandhanam,

Chennai-35.

2.The District Collector,

Thanjavur District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the National Company Law Appellate Tribunal, Chennai to dispose the appeal being Company Appeal (AT) CH) No.Nil of 2022 within stipulated time fixed by this Court and directing the



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National Company Law Appellate Tribunal, Chennai to permit the petitioner to appear in person.

For Petitioner : Mr.SM.Mohan Gandhi

For Respondents : Mr.A.K.Manikkam,

Special Government Pleader

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

This Writ Petition is filed for a direction to the the National Company Law Appellate Tribunal, Chennai to dispose of the appeal being Company Appeal (AT) CH) No.Nil of 2022 within a stipulated time and to permit the petitioner to appear in person.

2.The petitioner Association had filed the said appeal before the National Company Law Appellate Tribunal, Chennai on 07.07.2022.

3.Though the said appeal was filed sometime in July as stated supra, it is the grievance of the petitioner that so far, the appeal has not been numbered and it has not been taken up for hearing. By thus, the members of the petitioner Association are greatly prejudiced. Therefore, if a direction is



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given to the Tribunal to take up the appeal and decide the same on merits at an early date by giving an opportunity of being heard, the petitioner would be satisfied.

4.The learned Special Government Pleader appearing for the respondents would submit that it is for the Tribunal to take up the appeal chronologically and accordingly, to decide the same and insofar as the respondents are concerned, they are ready to co-operate with the Tribunal for having early disposal of the appeal.

5.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6.Considering the said submission made by both sides, this Court is inclined to dispose of this Writ Petition with the following direction:-

“there shall be a direction to the Tribunal, namely, National Company Law Appellate Tribunal, Chennai to take up the unnumbered appeal filed by the petitioner Association on 07.07.2022 in Company Appeal (AT) CH) No.Nil of 2022 and to decide the same on merits and



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in accordance with law, after giving opportunity of being heard, as early as possible, preferably, within a period of three months from the date of receipt of a copy of this order.”

7.With this direction, this Writ Petition stands disposed of. No costs.

(R.S.K., J.) & (K.K.R.K, J.)

18.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

MYR

To

1.The Additional Chief Secretary / Commissioner of
Sugar and Cane Commissioner,
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Chennai-35.

2.The District Collector,
Thanjavur District.

3.The National Company Law Appellate Tribunal,
Chennai.

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