



W.P(MD)No.926 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.926 of 2024

and

W.M.P(MD)Nos.949 & 951 of 2024

Tamil Nadu Sugarcane Farmers Association,
Represented by its Secretary,
T.Kasinathan,
No.53, Narikudi, Balakudi Post,
Thiruvidaimaruthur Taluk,
Thanjavur District.

... Petitioner

Vs.

- 1.The State represented by
The Secretary,
Agriculture Department,
St.George Fort,
Chennai.
- 2.The Commissioner of Sugar and Cane,
Government of Tamil Nadu,
Avin Illam, 2nd Floor,
3A, Muthuramalinganar Salai,
Nanthanam, Chennai – 35.



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3.The District Collector,
Thanjavur District.
***(R.3 is amended vide order of
this Court dated 19.02.2024 in
W.M.P(MD)No.1189 of 2024)***

4.The Superintendent of Police,
Thanjavur District.

5.The Inspector of Police,
Kabisthalam,
Papanasam Taluk,
Thanjavur.

6.Ramakrishnan Sadhasivan

7.M/s.KALS Distillers Private Limited,
Represented by its Director,
T.Nagar, Chennai.

8.The Joint Director,
Central Bureau of Investigation (South),
III Floor, EVK Sampath Building,
College Road,
Chennai – 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to take over the management of the sixth respondent mill from the hands of the seventh respondent, by directing the first respondent to order a high level enquiry into affairs of mismanagement, maladministration and corrupt practice and cheating and defrauding of farmers of petitioner association and consequently by take appropriate



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legal action against the 6th and 7th respondents and as a result do justice to farmers by undoing all wrongs done by the respondents 6 and 7.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by Mr.D.Gandhiraj
Special Government Pleader
for R.1 to R.3

Mr.A.Albert James
Government Advocate for R.4 & R.5

Mr.D.Srinivasan for R.6

Mr.Murugendren for R.7

ORDER

Heard both sides.

2.The writ petitioner is an association of the sugarcane farmers. It is not in dispute that the petitioner is one of the several associations representing the interest of the sugarcane farmers.

3.The case of the petitioner is that the dues payable to the farmers have not been settled in full. The fact remains that the Thiru Arooran



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Sugars Limited to which the farmers had supplied had gone into liquidation and NCLT had passed an order on 02.05.2022. It is further stated that the petitioner has filed an appeal before the NCLAT and that it is still pending.

4.The prayer in this writ petition is for directing the Government to take over the Management of the sixth respondent Mill from the seventh respondent for ordering high level enquiry.

5.Such kind of directions cannot be passed in writ jurisdiction. I have to observe that if a farmer is mandated to supply his produce to a particular Mill, it is the responsibility of the State Government that the dues are also settled in full. If the Government machinery is not in a position to ensure such settlement of the dues, there cannot be any compulsion on the farmer to supply their produce to a particular Mill. Of course, these are only passing observations and it is open to the petitioner herein to file an independent writ petition in this regard.



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6. Granting such liberty to the petitioner, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.02.2024

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

To

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