

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF DECEMBER, 2014

B E F O R E

THE HON'BLE MR. JUSTICE A.N. VENUGOPALA GOWDA

WRIT PETITION NOS.59771-59784/2014 (GM-RES)

BETWEEN:

1. SRI N.B. MANJUNATH
S/O LATE BASAPPA,
AGED ABOUT 46 YEARS,
OCC:AGRICULTURE,
R/O. SATTUR-583 125
TALUK: HARAPANAHALLI - 583131
DISTRICT: DAVANAGERE – 577 001.
2. SRI H. REVANNA
S/O LATE NAGAPPA,
AGED ABOUT 55 YEARS,
OCC:AGRICULTURE,
R/O. SATTUR-583 125
TALUK: HARAPANAHALLI - 583131
DISTRICT :DAVANAGERE – 577 001.
3. SMT. PARVATHAMMA
W/O LATE PARAMESHWARAPPA,
AGED ABOUT 55 YEARS,
OCC:AGRICULTURE,
R/O SATTUR-583 125
TALUK: HARAPANAHALLI - 583131
DISTRICT :DAVANAGERE – 577 001.
4. SRI K. BOMMANNA
S/O LATE HANUMANTHAPPA
AGED ABOUT 56 YEARS,
OCC:AGRICULTURE,
R/O SATTUR-583 125

TALUK: HARAPANAHALLI - 583131
DISTRICT :DAVANAGERE – 577 001.

5. SRI N.M. PAMAPAPATHI
S/O LATE MAHADEVAPPA,
AGED ABOUT 58 YEARS,
OCC:AGRICULTURE,
R/O SATTUR-583 125
TALUK: HARAPANAHALLI - 583131
DISTRICT :DAVANAGERE – 577 001.

6. SRI H.N. KOTRESHAPPA
S/O SRI NAGAPPA,
AGED ABOUT 46 YEARS,
OCC:AGRICULTURE,
R/O SATTUR-583 125
TALUK: HARAPANAHALLI - 583131
DISTRICT :DAVANAGERE – 577 001.

7. SRI K.M. MALLIKARJUNAIAH
S/O LATE SHAMBULINGAIAH
AGED ABOUT 65 YEARS
OCC:AGRICULTURE
R/O SATTUR-583125
TALUK: HARAPANAHALLI - 583131
DISTRICT :DAVANAGERE – 577 001.

8. SRI K.M. SIDDESHWARAIAH
S/O LATE SHAMBULINGAIAH
AGED ABOUT 63 YEARS
OCC:AGRICULTURE
R/O SATTUR-583125
TALUK: HARAPANAHALLI - 583131
DISTRICT :DAVANAGERE – 577 001.

9. SRI A.K. MANJUNATH
S/O LATE KENCHAPPA
AGED ABOUT 38 YEARS
OCC:AGRICULTURE
R/O SATTUR-583125
TALUK: HARAPANAHALLI - 583131
DISTRICT :DAVANAGERE – 577 001.

10. SRI R.MOHAMMED RAFIQ KHAN
S/O LATE RASHEED KHAN
AGED ABOUT 46 YEARS
OCC:AGRICULTURE
R/O # 489, 7TH CROSS
MAGANAHALLI MAIN ROAD, BEEDI LAYOUT
DAVANAGERE-577 001.
11. SRI B. VEERAPPA
S/O LATE VEERABHADRAPPAA
AGED ABOUT 62 YEARS
OCC:AGRICULTURE
R/O SATTUR-583125
TALUK: HARAPANAHALLI - 583131
DISTRICT :DAVANAGERE – 577 001.
12. SRI S.P. MADEGOUDA
S/O LATE SHANKRAGOUDA
AGED ABOUT 38 YEARS
OCC:AGRICULTURE
R/O SATTUR-583125
TALUK: HARAPANAHALLI - 583131
DISTRICT :DAVANAGERE – 577 001.
13. SRI D.S. SHANKRAPPAA
S/O NARAPPA ALUR
AGED ABOUT 51 YEARS
OCC: AGRICULTURE
R/O ALUR AT & POST
TALUK DAVANAGERE
DISTRICT: DAVANAGERE – 577 001.
14. SRI D.N.KUMAR
S/O LATE SHIVAPPA
AGED ABOUT 35 YEARS
OCC:AGRICULTURE
R/O. ALUR AT & POST
TALUK: DAVANAGERE
DISTRICT: DAVANAGERE – 577 001.

... PETITIONERS

(BY SRI K.G. SHANTHAPPA, ADV.)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY TO GOVERNMENT
& INDUSTRIES DEPARTMENT
GOVERNMENT OF KARNATAKA
1ST FLOOR, VIKASA SOUDHA
BANGALORE-560 001.
2. THE COMMISSIONER FOR CANE DEVELOPMENT
& DIRECTOR OF SUGAR IN KARNATAKA
K.H.B. BUILDINGS,
CAUVERY BHAVAN, K.G. ROAD,
BANGALORE-560 001
BANGALORE CITY.
3. THE DEPUTY COMMISSIONER
DAVANAGERE DISTRICT
DAVANAGERE – 577 001.
4. BHADRA SAHAKARA SAKKARE
KARKHANE NIYAMITA,
DODDABATHI VILLAGE
TALUK: DAVANAGERE
DISTRICT: DAVANAGERE – 577 001
BY ITS MANAGING DIRECTOR
DAVANAGERE – 577 001.
5. M/S. SHAMNUR SUGARS LTD.,
DUGGAVATHI VILLAGE
TALUK: HARAPANAHALLI
DISTRICT: DAVANAGERE
DAVANAGERE – 577 001.
6. M/S. DAVANAGERE SUGARS LTD.,
KUKKUVADA VILLAGE
TALUK: DAVANAGERE
DISTRICT: DAVANAGERE – 577 001
BY ITS MANAGING DIRECTOR.

... RESPONDENTS

(BY SMT. VEENA HEGDE, HCGP FOR R1 to R3)

THESE PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENT NOS.1 TO 3 TO CONSIDER THEIR CASE UNDER THEIR APPLICATIONS DATED 05.12.2014 AND DATED 05.12.2014 RESPECTIVELY BY THE PETITIONER NOS.1 TO 12 AND 13 & 14 PRODUCED AT ANNEXURES-R & S, TO SELL THEIR SUGAR CANE GROWN ON THEIR LAND TO ANY OTHER CRUSHING UNITS OF THEIR CHOICE FOR THE YEAR 2014-2015 AND IN FUTURE, WITHOUT BEING INSISTING TO THEIR ZONE RESERVED, BY EXTENDING BENEFITS UNDER ORDER DATED 03.12.2014 ISSUED BY 3RD RESPONDENT - DEPUTY COMMISSIONER, DAVANAGERE, AS PER ANNEXURE-Q INSO FAR AS THE PETITIONER NOS.1 TO 14 CONCERNED, IN THE LIGHT OF THE OBSERVATION MADE BY THIS HON'BLE COURT UNDER ITS INTERIM ORDER DATED 04.12.2013 PASSED IN W.P.NOS.53959/2013 & 54038-54042/2013 CONNECTED WITH 50994-50997/2013 (GM-RES), VIDE ANNEXURE-L.

THESE PETITIONS COMING ON FOR ORDERS THIS DAY,
THE COURT MADE THE FOLLOWING:

ORDER

These writ petitions were filed on 18.12.2014, asking for a mandamus against respondent Nos.1 to 3, to consider their applications dated 05.12.2014 vide Annexures – R and S, in the matter of sale of sugarcane grown in their respective fields, to any other crushing units of their choice for the year 2014-15 and in future, without being insisting to their zone reserved, by extending benefits under Order dated 03.12.2014, as at Annexure-Q, issued by the 3rd respondent and in the light of the

observations made in an interim order dated 04.12.2013 passed in W.P.Nos.53959/2013 and 54038-54042/2013 connected with W.P.Nos.50994-50997/2013 vide Annexure-L.

2. Heard Sri K.G. Shanthappa, learned advocate for the petitioners and Smt. Veena Hegde, learned HCGP for respondent Nos.1 to 3. Respondent Nos.4 to 6, according to Sri K.G. Shanthappa, refused to receive hand summons. An affidavit in that regard has been filed. Even otherwise, considering the nature of prayer in the writ petitions and the order proposed to be passed, there is no need to await service of notice on respondent Nos.4 to 6.

3. Petitioners are sugarcane growers. They have filed the writ petitions and an interim order vide Annexure-L has been passed on 04.12.2013. Their main grievance in these writ petitions is the non-consideration of representations submitted vide Annexures – R and S i.e., on 05.12.2014 to respondent No.3.

4. Smt. Veena Hegde, learned HCGP did not dispute the receipt of representations vide Annexures – R and S by respondent No.3. Sufficient time has elapsed, after submission of the said representations. As no decision has been taken by respondent No.3, who has the obligation to consider the same and pass order in accordance with law, Smt. Veena Hegde, submitted that respondent No.3 would consider the representations of the petitioners vide Annexures – R and S with expedition and on or before 07.01.2015 and intimate the outcome of the consideration to petitioner No.1.

5. In view of the submission made by the learned HCGP, it is unnecessary to consider the case of the petitioners on merit. Suffice to observe that respondent No.3 being statutory authority is duty bound to consider the grievance of the petitioners as stated in Annexures – R and S. The delay as well as non-consideration being arbitrary, Smt. Veena Hegde, is justified in making the aforesaid submission.

In the result, writ petitions are disposed of by directing respondent No.3 to consider the representations of the petitioners vide Annexures - R and S with expedition and on or before 07.01.2015 and notify the first petitioner with regard to the outcome of the consideration.

In case, the decision taken/order passed is prejudicial to the interest of the petitioners, it is open to them to seek remedy in accordance with law.

All other contentions raised in the writ petitions are left open.

In view of the urgency, a carbon copy of this order be furnished to the learned HCGP during the course of the day.

Sd/-
JUDGE

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