

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO.31 OF 2022

**SHIVAJIRAO BALVANTRAO PATIL KAVHEKAR
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS**

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Advocate for the Petitioner : Shri Deshmukh Sachin S.
Standing Counsel for Respondent 1/UoI : Shri R.R. Bangar
AGP for Respondents 2 to 5/State : Shri V.M. Kagne

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 18th January, 2023

Per Court :-

1. Leave to correct prayer clauses. Correction be carried out forthwith.

2. We have perused the report dated 04.04.2022 tendered by the learned Registrar (Judicial) of this Court concluding that the petitioner has complied with Rules 5 and 7 of the Bombay High Court Public Interest Litigation Rules, 2010. The affidavits are in conformity with these rules and the issue raised in the petition would constitute public interest.

3. The petitioner has put forth prayer clauses A and B as under :-

- “A) *By issuance of a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus, it be directed to the respondent authorities to initiate action against the errant sugar factories on the strength of the report dated 5/8/2021 and 15/2/2022 (Exh- A Colly); and for that purpose issue necessary directions.*
- B) *By issuing a continuing writ of mandamus, or any other appropriate writ, order or direction in the nature of mandamus, it be directed to the respondent authorities to initiate action against the defaulting and errant sugar factories in relation to non-payment of the fair and remunerative price (FRP) as determined pursuant to the Sugar Cane (Control) Order 1966 and ensure payment of the same with penal interest within the stipulated frame to the cane growers and submit the periodical progress report in that regard; and for that purpose issue necessary directions.”*

4. Issue notice to the respondents, returnable on 17.02.2023. This matter will be called out at 04:30 PM. The learned Standing Counsel for the Union of India waives service of notice on behalf of respondent No.1. The learned AGP waives service of notice on behalf of respondent Nos.2 to 5.

5. Let the affidavits in reply be filed at least one week prior to the returnable date in this matter.