

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6139-6140 OF 2002

GODAWARI MANAR SAHKARI S. KARKHANA Appellant(s)  
L. & ANR.

Versus

STATE OF MAHARASHTRA AND ORS.

Respondent(s)

WITH Civil Appeal NO. 1909 of 2003, Civil Appeal NO. 1910 of 2003  
Civil Appeal NO. 1911 of 2003, Civil Appeal NO. 1912 of 2003  
Civil Appeal NO. 1913 of 2003, Civil Appeal NO. 1914 of 2003  
Civil Appeal NO. 6141 of 2002, Civil Appeal NO. 7461-7462 of 2003  
Civil Appeal NO. 7463-7464 of 2003, Civil Appeal NO. 8168 of 2003

ORDER

We have heard counsel for the parties.

These appeals involve a similar question of law.

Therefore, they can be disposed of by the common order. For the convenient disposal of these appeals the facts of Civil Appeal No.1909 of 2003 are taken into consideration.

This appeal was filed against the order passed by the learned Single Judge in Writ Petition No.1282 of 1991 dated 5<sup>th</sup> September, 2002 whereby the learned Single Judge on the basis of the report submitted by the Commissioner, Sugar in respect of the appellant's sugarcane cultivation, which was due for

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harvesting in the sugar season 1989-90 directed to release certain amount to the appellant at the rate of simple interest of 6% per annum on the net compensation amount from December, 1990 till the same is actually paid to him. Aggrieved against this order, the present Special Leave Petition was filed. Leave was granted and the interim order was passed staying the operation of the order of the learned Single Judge. Now the same has come up for final disposal.

Learned counsel for the appellant has invited our attention to decision of this Court General Manager, Kisan Sahkari Chini Mills Ltd., Sultanpur, U.P. versus Satrughan Nishad & Ors. reported in 2003 (8) SCC 639 and submitted that in view of the law laid down by this Court, the Writ Petition

filed by the petitioner ought not to have been entertained by the High Court under Article 226 of the Constitution because the sugar factory is not a State within the meaning of Article 12 of the Constitution. Learned counsel for the respondents have submitted that these are very old appeals pertaining to a sugar season of 1989-90 the Sugar Commissioner has submitted a report under the orders of the High Court. Therefore, it is not proper for the appellant to make any grievance. Be that as it

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may, the primary question before us is the maintainability of the Writ Petition before the High Court. In view of the fact that this Court in identical cases with regard to sugar factory has taken the view that since the sugar factories are not discharging any sovereign function, they are not State under Article 12 of the Constitution of India. Therefore, we are of the opinion that the view taken by the learned Single Judge of the High Court is not correct, and hence we set aside the order of the High Court and remit these matters to the Cooperative Court as the Terna Sahakari Sakhar Karkhana Dhoki is a Cooperative Society. Therefore, the proper forum for deciding such controversy was the Cooperative Court under Section 91 of the Maharashtra Cooperative Societies Act, 1960. Therefore, we remit these matters to the concerned Cooperative Court for adjudicating the matter and for deciding rights of the parties. Since these are very old matters, we direct the Cooperative Court to dispose of the matters as expeditiously as possible. The appellants shall approach the respective Cooperative Court for their claims within one month from today.

In Civil Appeal Nos.7461-7462 of 2003, the learned counsel has invited our attention that there is one Writ Petition

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which is pending adjudication before the High Court. The Writ Petition before the High Court is dismissed and the Writ Petitioner may also approach the Cooperative Court within one month from today.

All the appeals are accordingly, allowed.

No orders as to costs.

.....J.  
(A.K.MATHUR)

.....J.  
(MARKANDEY KATJU)

New Delhi,  
July 17, 2007.

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IT E M NO.1 0 2

COUR T NO.9

SEC T I O N IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVI L AP P E A L NO(s). 61 3 9 - 61 4 0 OF 20 0 2

GOD A W A R I M A N A R S A H K A R I S . K A R K H A N A L . & A N R

Appellant (s)

V E R S U S

S T A T E O F M A H A R A S H T R A A N D O R S .

Respondent(s)

- W I T H Civil Appeal NO. 19 0 9 of 20 0 3  
(With office report)
- Civil Appeal NO. 19 1 0 of 20 0 3  
(With office report)
- Civil Appeal NO. 19 1 1 of 20 0 3  
(With office report)
- Civil Appeal NO. 19 1 2 of 20 0 3  
(With office report)
- Civil Appeal NO. 19 1 3 of 20 0 3  
(With office report)
- Civil Appeal NO. 19 1 4 of 20 0 3  
(With office report)
- Civil Appeal NO. 61 4 1 of 20 0 2  
(With office report)
- Civil Appeal NO. 74 6 1 - 74 6 2 of 20 0 3  
(With office report)
- Civil Appeal NO. 74 6 3 - 74 6 4 of 20 0 3  
(With office report)
- Civil Appeal NO. 81 6 8 of 20 0 3  
(With office report)

Date: 17 / 0 7 / 2 0 0 7 These Appeals were called on for hearing today.

C O R A M :

HON' B L E MR. J U S T I C E A . K . M A T H U R  
HON' B L E MR. J U S T I C E M A R K A N D E Y K A T J U

For Appellant(s)

Mr. Sanj ay V. Kha rde, Adv.  
Ms. Chandan Ra m a m u r t h i  
Mr. Shivaji M. J adh av, Adv.

For Respondent(s)

Mr. Gopal Balwant Sathe, Adv.

Mr. Mukesh K. Giri , Adv

Mr. Gopal Balwant Sathe

Mr. Vidya Dhar Gaur

C.A. 74 6 1 - 62/ 0 3 Mr. Vinesh Solshe, Adv.

Mr. C.G. Solshe, Adv.

Mr. Uday B. Dube, Adv.

Mr. Kuldip Singh

State of Maharashtra Mrs. Asha G. Nair, Adv.

Mrs. Biji Rajesh, Adv.

UPON hearing counsel the Court made the following

O R D E R

These appeals are allowed in terms of the signed order.  
No order as to costs.

(Sukhbir Pa ul Kaur)  
Court Master

(Vijay Dhawan)  
Court Master

(Signed Order is placed on the file)