

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 14058 of 2013
and
M.P. Nos. 1 and 2 of 2015

M/s.Namakkal Integrated Waste Management Pvt. Ltd.
Rep. by its Managing Director
Mr.A.Senthil,
Door No. 21/24, Ganesapuram,
Namakkal Town & District.

... Petitioner

Vs.

1. The State of Tamil nadu,
Rep. by The Director of Municipapl Administration
Department Chepauk, Chennai.

2. The Namakkal Municipality,
Rep by its Commissioner,
Paramathi Road,
Namakkal 637 001.

.... Respondents

This petition is filed under Article 226 of The Constitution of India praying to issue a writ of certiorari calling for the records in proceedings in Na.Ka.No.2418/2012/H1 dated 23.04.2013 on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.Ilamvaluthi

For R1 : Mr.R.Rajeshwaran
Special Government Pleader

For R2 : Mr.M.R.Muthukumar.

WEB COPY

ORDER

Reference may be made to the order dated 04.11.2015 which reads as follows:-

'After hearing the argument of the learned counsel for the petitioner, this Court pointed out that the order impugned in this writ petition is an order cancelling the contract and in terms of Article 11 of the Concession Agreement dated 10 March 2008, Dispute Resolution is provided under the agreement which has to be done by way of arbitration.

2. Therefore, this Court put it to the learned counsel for the petitioner that the writ petition would not be maintainable and if the petitioner has any grievance, he has to question the same by initiating arbitration and if the petitioner claims for any interim direction, the petitioner's remedy is to move the appropriate Court under Section 9 of the Arbitration and Conciliation Act.

3. Faced with this situation, this Court even suggested that the petitioner may withdraw the writ petition with liberty to proceed under the Arbitration and Conciliation Act.

4. The learned counsel seeks for a day's adjournment.'

2. Today when the matter was taken up, the learned counsel appearing for the petitioner submits that the petitioner may be permitted to withdraw the writ petition and pursue his remedy as provided under the Concession Agreement by resorting to arbitration. He has also made an endorsement in the writ petition to that effect.

3. In view of the submission and endorsement made by the learned counsel for the petitioner, the writ petition is dismissed as withdrawn. No costs. Liberty sought for, is granted.

4. The learned counsel for the petitioner submitted that the petitioner had the benefit of an order of status quo with effect

from 09.05.2013. Since the petitioner was prosecuting the matter before the wrong Forum, this Court is inclined to direct the respondents to maintain status quo for a further period of four weeks from today.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rms/AP

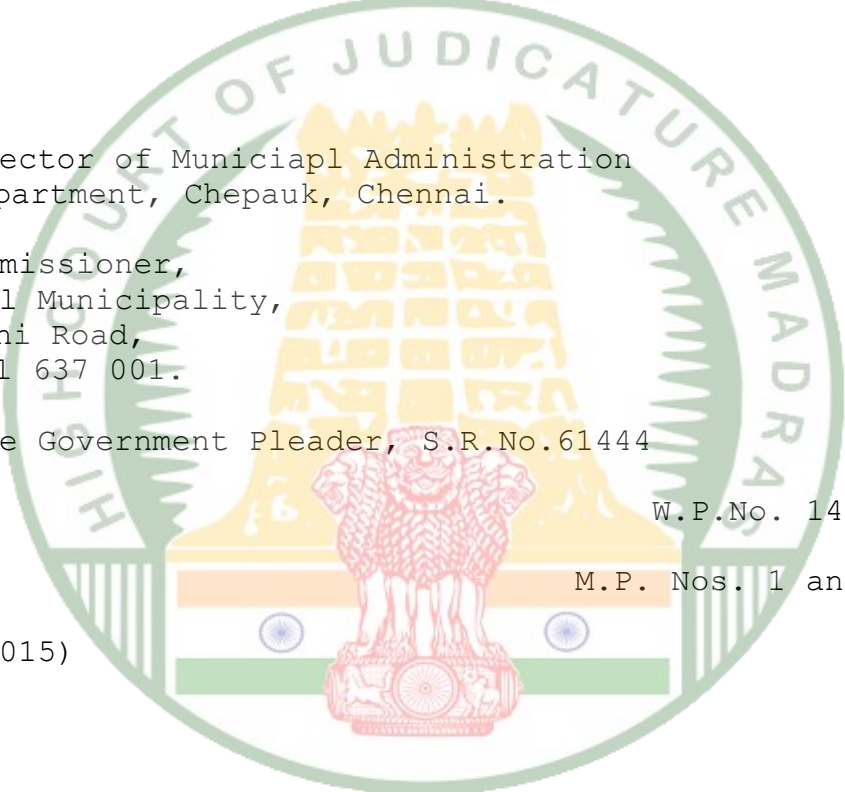
To

1. The Director of Municipapl Administration
Department, Chepauk, Chennai.
2. The Commissioner,
Namakkal Municipality,
Paramathi Road,
Namakkal 637 001.

+1cc to the Government Pleader, S.R.No.61444

W.P.No. 14058 of 2013
and
M.P. Nos. 1 and 2 of 2015

MSM(CO)
CA(24/11/2015)



सत्यमेव जयते

WEB COPY