

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Writ Appeal No.1344 of 2016

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in Writ petition No. 18773 of 2015 dated 25.6.2015.

The appellant herein is the petitioner in the writ petition. He filed the said writ petition to declare the action of respondent Nos. 1 to 3 in entertaining Arbitration Dispute No. 142 of 2014 on the file of the 3rd respondent, as filed by the 4th respondent on the basis of fraud committed, and in proceeding further without verification, as being arbitrary and illegal.

In the order under appeal, the learned Single Judge observed that, though a writ of mandamus was sought by the petitioner, it was in the nature of a writ of prohibition; even assuming that the contentions were correct, it was not a case of inherent lack of jurisdiction to entertain the arbitration dispute; as the petitioner was a party to such a dispute, it was open to him to raise all contentions and grounds which he sought to raise; merely on the ground of documentary information received by him under the R.T.I. Act, the remedy provided to the 4th respondent, to seek arbitration of the dispute before the 3rd respondent, cannot be interdicted; and the relief cannot be granted.

As has been rightly observed by the learned Single Judge, in the order under appeal, as long as the 3rd respondent does not suffer from inherent lack of jurisdiction, all contentions urged in the writ petition can as well be urged by the petitioner before the 3rd respondent. Interference in an intra-court appeal would be justified only if the order under appeal suffers from a patent illegality. We find no such infirmity in the order under appeal.

Leaving it open to the appellant to avail his remedies before the 3rd respondent, the writ appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A. SHANKAR NARAYANA, J)

13th December, 2016

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