

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.26481 of 2017

M/s. S.K.Constructions,
rep. By tis partner,
S.Kulandaivel
No.7, Nehru Street,
UPK Valasu, Modakurichi,
Erode District.

.. Petitioner

Vs.

1. The Principal District Judge,
Villupuram District,
Villupuram.

2. The Superintendent Engineer,
Public Works Department - Buildings
(Construction and Maintenance Circle),
Vellore Circle, Vellore.

3. The Executive Engineer,
Public Works Department,
Buildings (Construction and Maintenance Division)
Villupuram.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus to direct the respondents 2 and 3 to forthwith pay the sum of Rs.1,43,37,800/- along with price escalation cost due to the petitioner pursuant to the final bill amount in respect of the work construction of combined court buildings at Tindivanam pursuant to the agreement entered into between the petitioner and the 2nd respondent on 8.2.2013.

For Petitioners: Mr.C.Sathish Kumar

For Respondents: Mr.S.Thangavel

for R1

Mrs.Nrmadha Sampath,
Additional Advocate General
assisted by
Mr.R.Govindasamy,
Special Government Pleader
for R2 and R3.

O R D E R

The petitioner seeks for a mandamus directing the respondents 2 and 3 to forthwith pay the sum of Rs.1,43,37,800/- along with price escalation cost due to the petitioner pursuant to the final bill amount in respect of the work construction of combined court buildings at Tindivanam pursuant to the agreement entered into between the petitioner and the 2nd respondent on 8.2.2013.

2. When the matter was taken upon 13.02.2018 for admission, the learned Additional Advocate General appearing for the respondents submitted that these respondents are also having a counter claim against the petitioner. Accordingly, the matter was adjourned for further hearing. Today, when the matter is taken up for further hearing, the learned Additional Advocate General brought to the notice of this Court that there is an arbitration clause in the agreement entered into between the parties and therefore, all the issues raised before this Court in this writ petition can be raised by way of arbitral proceedings. Needless to say that when an arbitration clause is referred to and stipulated in the agreement entered into between the parties, all the disputes arising out of such agreement have to be agitated only by way of arbitral proceedings. Therefore, without expressing any view on the merits of the matter, this Writ Petition is disposed of by granting liberty to the petitioner to agitate the matter before the arbitral proceedings by filing appropriate application. No costs.

Sd/-
Deputy Registrar

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

vsi

To

1. The Principal District Judge,
Villupuram District,
Villupuram.
2. The Superintendent Engineer,
Public Works Department - Buildings
(Construction and Maintenance Circle),
Vellore Circle, Vellore.

3. The Executive Engineer,
Public Works Department,
Buildings (Construction and Maintenance Division)
Villupuram.

+1cc to Government Pleader sr.no.17785

+1cc to Mr.AL.Ganthimathi, Advocate Sr.No.17846

sm:14.3.2018

W.P.No.26481 of 2017



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