



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.3776 of 2020

and

W.M.P(MD)No.3195 of 2020

S.Murugesan

...Petitioner

Vs.

1.The Chief General Manager,
Bharath Sanchar Niham Limited,
Chennai.

2.The General Manager,
Bharath Sanchar Niham Limited,
Near Head Post Office,
Tiruchirappalli.

3.The Assistant General Manager NWB-GM,
Office of PGM,
Bharath Sanchar Niham Limited,
Near Head Post Office,
Tiruchirappalli.

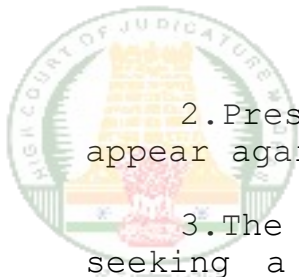
...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to hand over the vacant possession in S.F.No.39/1A, Ward No.17, Aranthangi Town, Pudukkottai Road, with an extent of 1300 square metres occupied by the BSNL to the petitioner within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.K.Baalasundharam
For Respondents : Mr.D.Shanmugaraj Sethupathi

ORDER

An affidavit has been filed by the third respondent, Benita Rani, daughter of G.Sundar Singh, who is the Assistant General Manager NWB-CM, Office of PGM, Bharath Sanchar Niham Limited, Trichirappalli/third respondent and is also present in the Court. She had stated that the respondents are paying rent as fixed and the entire arrears had been deposited to the account of the petitioner till November 2021, and the respondents also undertake to pay the monthly rent of Rs.2,600/- continuously, without any default.



2.Presence of the third respondent is noted and she need not appear again in Court.

3.The Writ Petition has been filed in the nature of Mandamus, seeking a direction against the respondent to hand over vacant possession with respect to the property in S.F.No.39/1A, Ward No.17, Aranthangi Town, Pudukkottai Road, measuring an extent of 1,300 square meters.

4.The claim of the petitioner is that BSNL is a tenant in the said property. One of the grievances raised is that rents were not properly paid and for that reason the third respondent was directed to be present before this Court and an affidavit was called to be filed. The aforementioned affidavit has been filed by the third respondent, which resolves the issues of rent payable by the respondents to the petitioner herein. Any other issues with respect to the payment of rent may be taken up by the petitioner in separate proceedings.

5.There had been disputes between the petitioner and the respondents and I am also informed that in accordance with the agreements between two of them, the matter had been referred to arbitration and an Arbitral Tribunal has also been constituted.

6.The learned Counsel for the petitioner questions the jurisdiction of the Arbitral Tribunal. He may take necessary recourse under the provisions of the Arbitration and Conciliation Act, 1996 and let the Arbitrator proceed further in manner known to law. Interference by the Writ Court, at this stage, would not be advisable and would actually be inappropriate.

7.I Would relegate the parties to raise all grievances before the Arbitral Tribunal and I am confident that the Arbitral Tribunal would dispose of the pending matter at the earliest.

8.With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

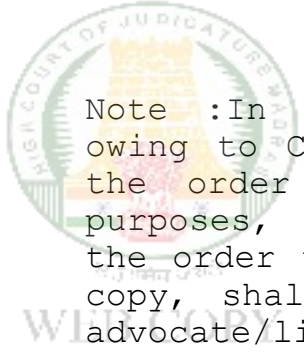
Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

lr



Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Chief General Manager,
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Chennai.
- 2.The General Manager,
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+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-39624[F] dated 20/12/2021)

W.P (MD) .No.3776 of 2020
17.12.2021

MGJ(30.12.2021) 3P 5C