



W.A.(MD) No.1260 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.(MD) No.1260 of 2023

Thoothukudi Minor Lessee Salt
Manufacture Association,
Rep. by its President
(P.Ponnulingam Died)
P.Sadagopan

... Petitioner/Appellant

-vs-

1.The Union of India
Rep. by the Deputy Secretary
to the Government
Ministry of Industry and Commerce
Department of Industrial Policy and Promotion
(Salt Section)
Udhyog Bhawan, New Delhi

2.The Salt Commissioner
Lavan Bhawan
2-A Lavan Marg
Jhalana Doongri, Jaipura-302 004.

3.The Deputy Salt Commissioner
No.26, Haddows Road
Shastri Bhavan, Chennai-600 006

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 21.12.2022, passed in W.P.(MD) No.17000 of 2018, on the file of this Court.

For Appellant : Mr.R.Gowrishankar

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India

J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 21.12.2022, passed in W.P.(MD) No.17000 of 2018.

2. The appellant herein is the son of the writ petitioner, who filed W.P.(MD) No.17000 of 2018 challenging the Gazette Notification, dated 09.10.2013, insofar as it relates to renewal of lease period and to direct the first respondent to continue to renew the lease period on certain conditions.

3. The learned Single Judge, by order dated 21.12.2022, dismissed the writ petition following the orders of the learned Single Judge in a batch of writ petitions in W.P.No.34859 of 2013 etc. batch, which were



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dismissed by order dated 22.12.2021. Several writ appeals in W.A.No.752 of 2022 etc., batch were filed as against the order dated 22.12.2021 passed by the learned Single Judge in W.P.No.34859 of 2013 etc. batch and the Division Bench of this Court, by Judgment dated 01.08.2022, disposed of the writ appeals by referring the matter before the Arbitrator. Following the directions of the Division Bench in the Judgment dated 01.08.2022 in W.A.No.752 of 2022 etc., batch, it is reported by the learned Deputy Solicitor General of India appearing for the respondents that an Arbitrator has been appointed and the petitioners in similar matters are now before the Arbitrator.

4. Since the issue involved in the case on hand has already been decided by the Division Bench of this Court and a former Judge of this Court has been appointed as Arbitrator, this writ appeal is disposed of in terms of Paragraph Nos.9 to 12 of the Judgment dated 01.08.2022 in W.A.No.752 of 2022 etc., batch, which are extracted hereunder:

“9. The Court was of the opinion that the writ appellants may individually or through Associations seek appointment of the Arbitrator, but finding large number of litigants involved herein and finding the nature of the issues as such, we nominate Mr.Justice V.Bharathidasan (retired Judge of Madras High Court) as sole Arbitrator to adjudicate issues between both the parties.



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10. *The fee of the learned Arbitrator is fixed in one lumpsum at Rs.15 lakhs (Rupees fifteen lakhs only) and expenses would be paid on actual basis. The fee and expenses would be shared in equal ratio by the Associations representing the members and by the Central Government.*

11. *At this stage, the learned Additional Solicitor General submitted that it may be made open for the respondents to raise the objection under Section 16 of the Act of 1996. The aforesaid is not opposed by the learned counsel for the writ appellants and accordingly, liberty, as prayed for by the learned Additional Solicitor General is granted.*

12. *The finding or observation made by the learned Single Judge would not come in the way of either of the parties to raise the respective issues before the learned Arbitrator."*

No costs.

[S.S.S.R., J.]

[D.B.C., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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