



W.P.(MD) No.8969 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.8969 of 2020
and
W.M.P.(MD) Nos.8199 and 8201 of 2020**

S.Muthammal

... Petitioner

/vs./

The District Collector cum
Chairman,
District Rural Development Agency,
Collectorate,
Dindigul.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records comprised in Na.Ka.No.1725/2016/A2 dated 25-11-2019 and quash the same and consequently direct the respondent to consider the petitioner's representations dated 17-08-2017, 07-01-2020, and 04-03-2020 and release necessary payments for various works executed by late V.Sakthimurugan without deduction of costs of Rs.30,14,701/- and forfeiture of security deposit of Rs.6,50,000/-.



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For Petitioner : Mr.Raguvaran Gopalan

For Respondent : Mr.J.John Rajadurai
Government Advocate

ORDER

The above writ petition is filed for the issue of a Writ of Certiorarified Mandamus calling for the records comprised in Na.Ka.No.1725/2016/A2 dated 25-11-2019, quashing the same and directing the respondent to consider the petitioner's representations dated 17.08.2017, 07.01.2020 and 04.03.2020 and release necessary payments for various works executed by late V.Sakthimurugan without deduction of cost of Rs.30,14,701/- and forfeiture of security deposit of Rs.6,50,000/-.

2.The dispute between the parties to this *lis* relates to the construction work that the petitioner's late husband had undertaken for the respondent. Both parties have made claims against each other. The agreement contemplates the resolution of the disputes through arbitration. Without exhausting this remedy, the petitioner has come forward with this writ petition. Therefore, when the matter had come up on 17.04.2023, this Court had pointed out the same to the parties and called upon them to provide the list of arbitrators.



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3.Today, the learned Government Advocate for the respondent has suggested the names of arbitrators and had left it open to this Court to appoint the arbitrator. The learned counsel for the petitioner also had no objection to the same. Therefore, this Court appoints Mrs.R.Tharani, the Retired Judge of this Court as Arbitrator to resolve the dispute between the parties.

4.The Arbitrator shall issue notice to the parties concerned and thereafter proceed with the arbitration. Since this order has been passed on consent, this Court has not traversed into the merits or otherwise of the case on hand.

5.With the above direction, the Writ Petition is disposed of. The Arbitrator shall endeavour to dispose of the case at the earliest. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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P.T.ASHA, J.

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