



WA(MD)No.821 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

WA .(MD)Nos.821 to 823 of 2023

S.Kamaraj

.. Appellant in
WA No.821/2023

M/s.Gasar Traders
Through its Partner,
G.Parthasarathi

.. Appellant in
WA No.822/2023

R.Velmani

.. Appellant in
WA No.823/2023

Vs.

1.The Union of India

Represented 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
Jhalanadoongri
Jaipura 302 004



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

.. Respondents in
all appeals

4.The Salt Factory Officer,
Urani Salt Factory
Tuticorin, Tuticorin District

.. Respondent No.4 in
WA No.823/2023

Appeals are filed under Clause 15 of Letters Patent Act against the common order dated 21.12.2022 passed by this Court in WP(MD) Nos. 218/2015, 18937/2017 and 15121 of 2018.

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

JUDGMENT

[Judgment of the Court was delivered by **R.SURESH KUMAR, J.**]

These three appeals have been directed against the order passed by the learned Judge in a common order dated 21.12.2022 in the respective W.P.Nos. 218/2015, 18937/2017 and 15121 of 2018.



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2. These appellants were the petitioners before the writ Court, who had raised *inter-alia* various issues regarding the extension of lease of salt land, where they had already the lessees and also challenged the quantum of lease amount fixed in this regard by the respondents.

3. It is to be noted that, prior to the filing of these writ petitions, already a number of writ petitions had been filed by the similarly placed lessees as well as the association representing various lessees in W.P.Nos. 34859/2016 etc. batch.

4. In fact, those batch of writ petitions were heard and disposed through common order, by a learned Judge, by order dated 21.12.2022, under which, all those writ petitions were dismissed.

5. As against the said order passed by the writ Court in the said batch of cases, batch of writ appeals were filed by the aggrieved parties in W.A.Nos.752/2022 etc. batch.



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6. The said batch of writ appeals came to be disposed of by a Division Bench judgment of this Court dated 01.08.2022, where both the appellants as well as the respondents therein, ie., the Central Government, had agreed to appoint an Arbitrator to comprehensively arbitrate the issue raised between the parties by invoking the arbitration clause, which was available in the lease agreement between the respondent Central Government and the appellants.

7. Accordingly, a former Judge of this Court, namely, Mr. Justice V. Bharathidasan, was appointed as a sole Arbitrator to adjudicate the issues between both the parties.

8. For the said arrangement since both parties had agreed, the said common judgment was passed by the Division Bench, by order dated 01.08.2022.

9. When that being the position, since through the present impugned common order dated 21.12.2022, the learned Judge had dismissed the writ petitions by following the judgment of the another learned Single Judge of



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the writ Court made in the batch of writ petitions as stated supra, dated 21.12.2022, against which only, the present writ appeals, have been directed.

10. The learned counsel for the appellants would contend that, since the issue had already been given a quietus by the Division Bench, under which, a former Judge of this Court had already been appointed as an Arbitrator to comprehensively to go into all issues raised between the parties and the appellants, since are similarly placed, the very same relief can be extended to these appellants also, as their cases also to be referred to the learned Arbitrator, for which, the learned counsel would submit that the appellants are agreeable.

11. The learned Deputy Solicitor General of India, appearing for the respondents, also has agreed upon the said arrangement and he also agreed to refer these matters to the learned Judge, who was already appointed as a sole Arbitrator to take up these matters along with the earlier referred matters to take a comprehensive decision in arbitration proceedings.



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12. We have considered the said submissions made by the learned counsel for the parties and have recorded the said concurrence given by the learned counsel for both sides.

13. In view of the above, since the issue had already been decided by referring the matter to the sole Arbitrator directing the parties to invoke the Arbitration Act and these appellants also are similarly placed arising out of the same issue, we deem it appropriate to dispose of these appeals in the following terms:

“That these issues raised against the respondents also are referred to the Hon'ble Mr.Justice V.Bharathidasan, retired Judge, who was already appointed as a sole Arbitrator to adjudicate the issues along with the already referred matters, where the observations given by the Division Bench dated 01.08.2022 would *mutatis mutandis* be made applicable to these cases also. Insofar as these cases are concerned, which are additionally referred, a reasonable fee with concurrence of both sides may be fixed by the learned Arbitrator in addition to the fee already fixed in the said matters for taking up these matters also for arbitration purpose.”



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WEB COPY 14. With these directions, all these writ appeals are disposed of accordingly. No costs.

(R.S.K.,J.) (K.K.R.K.,J.)
12.06.2023

Index : Yes/No
Internet : Yes
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RR

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