



WEB COPY



W.P.No.14478 of 2022 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.14478, 14482, 14483, 14485, 14486,
14487, 14489, 14490, 14491, 14493 of 2022
and W.M.P.Nos.13691 to 13700 of 2022

W.P.No.14478 of 2022:-

M/s. Sree Maruthi Agro Tech(P) Ltd.,
Rep. by its Director K.Gurumoorthy,
S.1420, Opp to Covelong Salt Office,
Kavalam Road, Kelambakkam – 603 103,
Kancheepuram District.

...Petitioner

-Vs-

The Deputy Salt Commissioner,
Office of the Deputy Salt Commissioner,
26, Haddows Road, Shastri Bhavan,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order dated 10.03.2022 issued by the respondent in C.No.12032/243/P/1998/804-807 and quash the same.

In all WPs.

For Petitioner : Mr.Hari Radhakrishnan

For Respondents : Mr.V.Udhayakumar
Central Government Standing Counsel



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COMMON ORDER

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These writ petitions have been filed challenging the orders dated 10.03.2022 & 11.03.2022, passed by the respondent, thereby demanding to pay amount for various charges.

2. The issues involved in all the writ petitions are one and the same and therefore, this Court is inclined to pass a common order in all these writ petitions.

3. The case of the petitioners is that large extent of Salt Department land has been assigned for salt manufacture to the petitioners for different periods subject to certain terms and conditions stipulated therein. Accordingly, lease deed was executed in favour of the petitioners. One of the main condition is that the lease shall liable to be terminated by the department of behalf of the lessor in case of breech of any of the lease deed conditions including default in payment of government dues within the stipulated time.



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4. The lessor has implemented the government orders in connection with the revision of assignment fee and ground rent and rate of minimum production of salt per acre for charging assignment fee, ground rent etc., as per Ministry of Commerce & Industry Department of Industrial Police & Promotion, New Dehli, dated 18.10.2013, with effect from 2013. Further the government has amended the land assignment policy for salt manufacture vide government Gazette notification dated 09.10.2013. Accordingly, the Central Government will be leased for salt manufacture for a period of twenty years by invitation of tenders and without considering the lease renewal for further periods, fresh tender for the assignment of land salt manufacture will be called.

5. Aggrieved by the same, various writ petitions have been filed and all the writ petitions were dismissed by this Court by an order dated 22.12.2021 and directed the petitioners to leave the premises within a period of three months from the date of receipt of a copy of that order. But the lessee did not pay the dues from the year 2010 onwards, after paying the assignment fees of Rs.105/- per MT/annum, as per the lease deed conditions. Therefore, the demand was issued to the



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petitioners. The same was also challenged before this Court and subsequently all the writ petitions were dismissed by this Court by a common order dated 22.12.2021. Aggrieved by the same, the petitioners filed writ appeal and the same were also pending. In the mean time, the present demand has been made to the petitioners to pay the due from 2012 to 20.03.2022.

6. Heard the learned counsel appearing on either side and perused the material placed before this Court.

7. On perusal of the lease agreement revealed that in the event of any question, dispute or difference arising in respect of or in connection with these presents (except as to any matters, the decision of which is specially provided for by these presents) the same shall be referred to the sole arbitration of the Salt Commissioner to the Government of India or of some other person appointed by him.

8. In the meantime, a batch of writ appeals in W.A.No.752 of 2022 etc., were disposed of by this Court by an order dated 01.08.2022



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invoking arbitration clause thereby appointed an Arbitrator and also nominated a sole Arbitrator and referred all the matters and disposed of all the writ appeals. Hence, the writ petitions cannot be entertained by this Court, since there is a specific clause for arbitration. The petitioners are at liberty to approach the learned Arbitrator to resolve their disputes.

9. Accordingly, all the Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

10.04.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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To
The Deputy Salt Commissioner,
Office of the Deputy Salt Commissioner,
26, Haddows Road, Shastri Bhavan,
Chennai – 600 006.



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G.K.ILANTHIRAIYAN. J,

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