



WEB COPY

W.P.No.15968 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.06.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.15968 of 2024
and WMP Nos.17437 and 17438 of 2024

Bhजारंग Engineering College
represented by its Managing Trustee,
Mr.M.G.Baskaran

... Petitioner

Vs

1. The Head Master,
Government District Model School,
Tiruvallur, Bhजारंग Engineering College Campus,
Tiruvallur.
2. Mr.Sudhan Retd. (IAS)
State Government Model School Co-ordinator,
Parents and Teachers Association Building,
DPI Campus, Tamil Nadu – 600 006.
3. The Chief Educational Officer,
Thiruvallur District,
Chinna Ekkadu Jaya Nagar,
Thiruvallur, Tamil Nadu – 602 001
Email ID: ceotlr@nic.in
4. The District Collector,
Chinna Ekkadu Jaya Nagar,
Collectorate, Thiruvallur,
Thiruvallur District – 602 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records
relating to the letter of the 1st respondent dated 16.05.2024 and quash the same



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as illegal, arbitrary and unreasonable and further direct the 1st respondent to operate the Government Model Residential School from Bhajarang Engineering College Campus, Thiruvallur – 602 024.

For Petitioner : Mr.Mukunth
Senior Counsel
for Mr.Adith Narayan Vijayaraghavan

For Respondents : Mr.M.Rajendiran – R1 to R3
Mr.M.R.Gokul Krishnan
Additional Government Pleader – R4

ORDER

Read this order in continuation of and in conjunction with order dated 18.06.2024 which reads as follows:

Mr.M.Rajendiran, learned Additional Government Pleader, accepts notice for R1 and R3.

2. Mr.Gokul Krishnan, learned Additional Government Pleader, accepts notice for R4.

3. Notice to R2 through Court as well as privately, returnable 20.06.2024. Proof of service be placed on file.

4. As the parties wish to invoke the arbitration clause under rental agreement dated 01.12.2023, list on 20.06.2024 at the end of admission list in order that a sole arbitrator acceptable to both may be named.

2. A joint memo dated 21.06.2024 is filed by both parties duly signed by the Chairman, Bhajarang Engineering College, Head Master, Thiruvallur District Government Model School, Thiruvallur and both the learned counsel for the petitioner and for the first respondent. The parties have invoked the



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arbitration clause, being clause 14 of the Rental Agreement dated 01.12.2023,

reading thus:

14. ARBITRATION CLAUSE

a. In the event of any dispute or differences arising between the parties under this memorandum of understanding related to the interpretation of rights or liabilities arising out of this memorandum of understanding, the same shall be, at First instance settled amicably between the two parties. If any dispute is not settled amicably, the same shall be referred to sole arbitrator on mutual agreement between both the parties and the award of the arbitrator shall be final and binding on the parties and if there is no arbitrator by mutual consent, either parties may go to Court and the jurisdiction is restricted to Thiruvallur District.

b. The venue of arbitration proceedings shall be at Thiruvallur.

c. This arbitration shall be governed by the Arbitration and Conciliation Act, 1996.

d. Any dispute/questions arising out of this memorandum of understading will be subject to adjudication by Court of law having territorial jurisdiction over Bhajarang Engineering College, Vepampattu, Thiruvallur.

3. The Joint memo reads thus:

1. The present memorandum has been filed by the Petitioner and the 1st Respondent, jointly, pursuant to Clause 14 of the Rental Agreement dated 01.12.2023.

2. The Parties agree to appoint Hon'ble Mr.Justice (Retd.) K.Venkataraman, Former Judge, Hon'ble Madras High Court, as the Sole Arbitrtor to adjudicate the disputes between the parties in view of the Rental Agreement dated 01.12.2023.'



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4. In light of the aforesaid and by consent of all parties, Hon'ble Mr. Justice K. Venkataraman (*Retd*) is appointed as sole Arbitrator and is requested to take the matter forward. The parties request that the terms of appointment may be fixed per the Fourth Schedule to the Arbitration and Conciliation Act, 1996 and may put forth this request to the learned Arbitrator.

5. This Writ Petition is disposed in terms of this order. No costs. Connected Miscellaneous Petitions are closed.

24.06.2024

Index : Yes / No

Speaking Order

Neutral Citation : Yes

sl/ssm

To

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Government District Model School,
Tiruvallur, Bhajarang Engineering College Campus,
Tiruvallur.
2. Mr. Sudhan Retd. (IAS)
State Government Model School Co-ordinator,
Parents and Teachers Association Building,
DPI Campus, Tamil Nadu – 600 006.
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Dr.ANITA SUMANTH,J.

sl/ssm

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