

(2001) 04 UK CK 0005

In the Uttarakhand High Court

Case No : Civil Writ Petition No. 39 of 2001

M/s. Rampur Construction Agency

APPELLANT

Vs

Stale of U.P. and Others

RESPONDENT

Date of Decision : 24-04-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 1 UC 513

Hon'ble Judges : P.C.Verma, J;Mahesh Chand Jain, J

Bench : Division Bench

Advocate : Tanveer Alam Khan, for the Appellant;

Judgement

M.C. Jain, J.—This is writ petition seeking writ of mandamus commanding the Respondents to extend the period of lease for the collection of toll which was granted earlier. The lease period was w.e.f. 1.4.2000 to 31.3.2001. Obviously, the period has already expired. Learned Counsel for the Petitioner submits that on account of inaction on the part of the Respondents he could not collect the toll for certain period. Therefore, that period should not be reckoned in the lease period. We are of the view that such a writ can not be issued under Article 226 of the constitution of India. If the Petitioner has suffered some loss on account of some inaction on the part of the Respondent he may refer the matter to arbitrator as such a clause is there in the lease deed as pointed out by the learned c.s.c. We are not inclined to interfere in die matter.

2. However, this Court has required the learned A.G. to furnish the information as to why die State Government is still collecting the toll. Such information shall be furnished within a period of four weeks from today. List after four weeks.