

(2022) 09 UK CK 0031

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 447 Of 2022

Rajendra Singh Bisht

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 09-09-2022

Acts Referred:

Citation : (2022) 09 UK CK 0031

Hon'ble Judges : Vipin Sanghi, CJ; Manoj K. Tiwari, J

Bench : Division Bench

Advocate : Pavan Kumar Nath, S.S. Chauhan

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1. The petitioner has preferred this Writ Petition to seek the quashing of the Notice/ Order No. 1369/म०प्र० बैरांगना/2021-22 dated 03.03.2022 issued by the respondent no. 3, i.e. the Assistant Director – Fisheries. The petitioner has also sought a restraint against the respondent no. 3 from eviction in pursuance of the aforesaid Notice/ Order dated 03.03.2022

2. When the Writ Petition came up before this Court on 08.03.2022, it was informed by the learned counsel for the petitioner that the petitioner already stands evicted, and physical possession had been taken from the petitioner. The petitioner sought liberty to amend the Writ Petition.

3. Now, I.A. No. 02 of 2022 has been filed by the petitioner to seek leave to amend the Writ Petition.

4. The petitioner claimed rights under a lease granted to him for a period of five years, vide Lease Agreement dated 19.06.2020. The respondents have terminated the lease, and taken over the physical possession of the leased premises.

5. The dispute between the parties is a commercial dispute, arising under a lease, and disputed questions of fact would arise for determination with regard to the respective rights of the parties under the lease, and also whether the terms of the lease were breached by one, or the other party. These disputes can properly be adjudicated in civil proceedings, and not in a Writ Petition.

6. We, therefore, dismiss the present Writ Petition with liberty to the petitioner to pursue his remedies in a Civil Court.

7. In sequel thereto, pending application, if any, also stands disposed of.