

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APEAL No. 477 OF 2015

11-06-2015

Between:

M. Jagannath Reddy

... Appellant

And

The Curator, Nehru Zoological Park, Hyderabad and four others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

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WRIT APEAL No. 477 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order dated 07-10-2014 passed in Writ Petition No.29466 of 2014. In this writ petition, the appellant sought writ of mandamus declaring proceedings dated 07-12-2013, 08-02-2014 and 25-02-2014, whereby, according to him, the respondent unilaterally terminated the contract as arbitrary and illegal. The learned Judge refused to entertain the writ petition holding that a dispute of such nature is not amenable to public law remedy under Article 226 of the Constitution of India, as held by the Supreme Court in ***M/s. Radhakrishna Agarwal & others vs. State of Bihar & others, State of U.P. v. Bridge & Roof Co. (India) Ltd.*** and ***Asstt. Excise Commr. V. Issac Peter***. The learned Judge has further observed that it is always open to the appellant to seek appropriate reliefs including award of damages for the alleged illegal termination of contract either by invoking arbitration, if a clause is available to that effect in the agreement or in the absence thereof, by availing common law remedy of a civil suit before the Court of competent civil jurisdiction.

Having regard to the nature of controversy raised in the writ petition, in our opinion, the order passed by the learned single Judge cannot be faulted.

The writ appeal is accordingly dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

11-06-2015

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