IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Special Appeal No.284 of 2020

Sri Shashank Chandak .....Appellant

Vs.

The State of Uttarakhand & others ….....Respondents

Shri Jitendra Chaudhary, learned counsel for the appellant.
Shri S.S. Chaudhary, learned brief holder for the State of Uttarakhand/respondent nos. 1 to 3 & 5.
Shri Vipul Sharma, learned counsel for the respondent no.4.

17th December, 2020

Coram : Hon'ble Ravi Malimath, A.C.J.
Hon'ble Alok Kumar Verma, J.

Ravi Malimath, A.C.J. (Oral)

Aggrieved by the order dated 03.11.2020 passed in W.P. No.743 of 2018 (M/S) by learned Single Judge in dismissing the writ petition, the petitioner is in appeal.

2. The petitioner was awarded a contract for collection of tax on loading & unloading of goods vehicles at Zila Panchayat, Udham Singh Nagar for the financial year 2017-18.

3. During the subsistence of the contract, on 10.08.2017 the same was cancelled by the District Magistrate. Questioning the same the instant writ petition was filed. The learned Single Judge dismissed the petition on the ground that the period has expired. It is presently contended that the District Magistrate has no power to pass such an order.

4. However, on hearing learned counsels, we do not find any merit in this appeal. Firstly, the period of contract which is in dispute, has since being expired. Secondly, there is no financial loss that has accrued to the petitioner. The amount that is expected to be paid by him during the period of the contract has not been paid by him. Thirdly, and more importantly these are matters of contract. Violation of terms of contract can be a subject matter of a suit and not a writ petition.

5. Hence on all these grounds, we do not find any error committed by the learned Single Judge that calls for any interference. Consequently, the appeal, being devoid of merit, is dismissed.

6. Pending application (CLMA No.10046 of 2006) stands rejected.

(Alok Kumar Verma, J.) **(Ravi Malimath, A.C.J.)**

JKJ/SK