

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1236 of 2025 (M/S)

Ashok Kumar Thapliyal

.....Petitioner

Versus

Cantonment Board, Lansdowne and others

.....Respondents

Present:-

Mr. Abhishek Bahuguna, Advocate for the petitioner.

Mr. V.K. Kaparuwan, Advocate for the respondent nos. 1 & 2.

Mr. Atul Bhatt, Central Government Standing Counsel for the respondent nos. 3 & 4.

Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this petition is made to the notices dated 28.03.2025 and 23.04.2025, by which the petitioner was required to deposit the taxes, etc. otherwise the possession of the rented property may be taken back.

2. Heard learned counsel for the parties and perused the file.

3. Learned counsel for the petitioner would submit that the petitioner was given shops and premises in the Cantonment Board to run the business under tender agreement, but now the respondent no. 1 is claiming unnecessary taxes.

4. Learned counsel for the respondent no. 1 would submit that the taxes are being imposed as per agreement between the parties. He would also submit that since October, 2024, the petitioner is not paying the license fee.

5. The Court posed a question to the learned counsel for the petitioner as to how the writ petition is maintainable for enforcing the rights under a contract, that too which are disputed.

6. Learned counsel for the petitioner would submit that as per the agreement also the petitioner ought to have been given thirty days time to vacate the premises. To it, learned counsel for the respondent no. 1 would submit that the petitioner would not be ousted from the premises till expiry of 30 days from the date of notice, which expires on 27.05.2025.

7. The Court takes on record the statement given by the learned counsel for the respondent no. 1.

8. The dispute arises out of contractual agreement between the parties. There are disputed questions of facts. It is a purely civil dispute. No violation of any constitutional right has been shown. It is a personal remedy. Therefore, the petitioner may seek a remedy before the appropriate civil court. The writ petition for that purpose may not be entertained. Accordingly, the writ petition deserves to be dismissed at the stage of admission itself.

9. The writ petition is dismissed *in limine*.

(Ravindra Maithani, J)
08.05.2025

Avneet/