

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.7242 OF 2010

ORDER:

This writ petition is filed aggrieved by the action of the second respondent in issuing proceedings dated 15.03.2010, whereby the petitioner's licence was ordered to be closed with immediate effect and the fourth respondent was called upon to take back possession of the Kalyanamandapam immediately by obtaining demand draft for its goodwill beyond one year on pro-rata basis and to ensure that all taxes and electricity charges had been paid as per the licence conditions.

Under the said proceedings dated 15.03.2010, the second respondent herein referred to certain incidents, which he considered to be lapses on the part of the petitioner necessitating termination of the licence to run the Kalyanamandapam.

Sri P.Anand Seshu, Learned Counsel for the petitioner, would submit that, even though the licence agreement is a non-statutory contract the writ petition is nonetheless maintainable; the impugned proceedings was passed without giving the petitioner an opportunity of being heard and, in such circumstances, this Court ought to entertain the writ petition and interfere with the matter.

No statutory provision governing issuance of such licences has been brought to the notice of this Court. The petitioner, admittedly, entered into an agreement on 30.12.2008, whereby he was given a licence to run the TTD Kalyanamandapam at Pitapuram in East Godavari District. The petitioner, in effect, seeks enforcement of the conditions of the agreement dated 30.12.2008.

While a writ petition seeking adjudication of contractual disputes cannot be said to be as not to be maintainable, this Court has the discretion to entertain or refuse to entertain such a writ petition. I see no reason to exercise discretion to entertain a writ petition seeking enforcement of contractual obligations since these matters are better adjudicated in civil proceedings before a Civil Court of competent jurisdiction. All contentions raised herein can as well be raised in such a Civil Suit.

Leaving it open to the petitioner, if he so chooses, to avail the alternative remedies available to him in law, including, if need be, by way of a Civil Suit before a Civil Court of competent jurisdiction, the Writ Petition is dismissed. However, in the circumstances, without costs.

RAMESH RANGANATHAN, J

Date:31.03.2010
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