



S. No. 64

Suppl. List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 1456/2022

CM No. 3508/2022

Ghulam Hyder

...Petitioner(s)

Through: Mr. M.S. Reshi, Advocate

Vs.

Union Territory of Ladakh and Ors.

...Respondent(s)

Through: M.T.M.Shamsi, ASGI.

CORAM:

HON'BLE MR JUSTICE SANJEEV KUMAR, JUDGE

ORDER

08.07.2022

Oral:

01.In this petition, the petitioner has, inter alia, prayed for following directions:-

- i. *Mandamus to the respondents to allow the petitioner to execute and complete the allotted work of "Construction of Community Hall Muslim Community at Padum (Block Zanskar) under Scheme CAPEX".*
- ii. *The petitioner also prays for a direction to the respondents in alternative for payment of amount of Rs. 20.00 lacs plus interest @ Bank rates for having invested huge amount in purchasing and dumping the raw material and timber items on site location.*

02. Learned counsel for the petitioner does not dispute that petitioner has not been able to complete the work within 90 days as is stipulated in the allotment order. He, however, submits that this delay has occurred due to



the acts and omissions of the respondents. The argument of learned counsel for the petitioner is essentially that there is a breach of terms and conditions of the agreement by the respondents themselves, for which the petitioner cannot be made to suffer.

03. Having heard learned counsel for the petitioner and perused the material on record, I am of the view that the dispute raised in this petition falls within the realm of contract and in case the petitioner has a grievance against the breach of any of the terms and conditions of the contract by the respondents, he is well within his right to seek his remedy before the civil Court. The complicated disputed question of fact relating to the execution of contract and its breach cannot be made subject matter in a petition under Article 226 of the Constitution of India.
04. For the foregoing reasons, this writ petition is found not maintainable and the same is, accordingly, dismissed. However, it shall remain open to the petitioner to work out his remedy before the appropriate forum in accordance with law.

(SANJEEV KUMAR)
JUDGE

SRINAGAR
08.07.2022
"Shamim Dar"