

Court No. - 40

Case :- WRIT - C No. - 35564 of 2023

Petitioner :- Ajay Kumar Mishr

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ajay Kumar Shukla,Prabha Shanker Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Prabha Shanker Mishra, learned counsel for the petitioner and Ms. Uttara Bahuguna, learned Additional Chief Standing Counsel for the respondents.

2. Present writ petition is preferred seeking following principal reliefs:-

"I. Issue a writ, order or direction in the nature of mandamus directing the respondent nos.2, 3 and 4 for releasing the payment of Rs.65,931/- which was due for the work completed by the petitioner in financial year 2008-09 alongwith 18% interest.

II. Issue a writ, order or direction in the nature of mandamus directing the respondent no.4 to pass appropriate order over the application of the petitioner pending before him."

3. Learned counsel for the petitioner submits that the petitioner has carried out certain construction work in the financial year 2008-09. Even though, the said work had been accepted by the respondents but till date the actual payment has not been made to the petitioner. He submits that in the light of the judgment rendered by Hon'ble Supreme Court in **M/s Surya Construction vs. State of Uttar Pradesh & Ors.** (2019) 16 SCC 794, the claim of the petitioner is to be considered by the competent authority.

4. The matter was taken up on 13.10.2023 and on the said date, we had asked learned Additional Chief Standing Counsel to seek instructions in the matter. Today, she has again made request that one more indulgence may be accorded so that appropriate instructions may be placed. In spite of repeated indulgences till date appropriate instructions are not provided by the respondents.

5. Considering the facts and circumstances, we are not inclined to keep the matter pending consideration

6. Accordingly, considering the facts and circumstances of the case

and without expressing any opinion on the merits of the issue, this writ petition is disposed of finally with a direction to the Executive Engineer, Irrigation Division, Kaushambi (respondent no.4) to look into the grievance of the petitioner and redress the same, as expeditiously as possible and preferably within a period of six months from the date of production of a certified copy of this order before him.

Order Date :- 11.12.2023
RKP