

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.926 of 2015**

Badal Sarkar S/o Shri Subhash Sarkar, aged about 24 years, R/o Sudama Nagar, near Malti Dhangad Aangan Badi, Patel Chowk, Tikrapara, P.S. Tikrapara, Tahsil & District Raipur (C.G.)

---- Petitioner

Versus

1. The State of Chhattisgarh, Department of Urban Development and Administration, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil & District Raipur (C.G.)
2. The Municipal Corporation, Through : The Commissioner, Municipal Corporation, Raipur, Tahsil & District Raipur (C.G.)

---- Respondents

For Petitioner	:	Ms. Priya Mishra, Advocate
For Respondent No.1	:	Shri Vinod Deshmukh, Deputy Govt. Advocate
For Respondent No.2	:	Shri Pankaj Agrawal, Advocate

**HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.**

Order On Board**Per NAVIN SINHA, C.J.****20/7/2015**

1. The Petitioner was awarded a contract from 1.4.2011 to 31.1.2012 for cleaning Ward No.46 by the Municipal Corporation, Raipur. The grievance is that the legitimate dues payable under the agreement for works performed are not being paid. Allegations have further been made against a Ward Member without impleading him as a party-Respondent because of whom the payments were not being released. No specific amount of dues has been mentioned either in the writ petition or in the annexures. In the writ jurisdiction, only admitted dues can be ordered to be paid.
2. The counter affidavit of the Respondent-Corporation acknowledges liability for Rs.95,810/- for which Cheque No.514974 is stated to have been drawn on 27.6.2015, after the institution of this writ application on 14.5.2015. If it has not been physically handed over to the

Petitioner till date, the Petitioner shall call upon the office of the Zone Commissioner with a copy of the present order when the cheque shall be handed over to him in person and acknowledgement obtained. The grievance that it does not satisfy the entire dues of the Petitioner cannot be examined in this writ application because it is a disputed question of fact and the pleadings do not even mention any quantum of dues. If the Petitioner has any grievance with regard to quantum, it shall be open for him to pursue remedies appropriately under the law as may be available to him.

3. The allegations with regard to reasons why the payment was not being released and the writ application had to be instituted has not been answered or denied in the counter affidavit. On the contrary, communication dated 14.11.2011 of the Municipal Commissioner, Raipur read with letter dated 28.11.2011 of the Deputy Director, Urban Administration and Development Department is speaking in nature with regard to the allegations made by the Petitioner. The Secretary, Urban Administration and Development Department is directed to take the official communications dated 14.11.2011 and 28.11.2011 to its logical conclusion in accordance with law expeditiously without unnecessary delay, preferably within a maximum period of six weeks from the date of receipt and/or production of a copy of this order before him.

4. The writ application is disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE