

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7555 of 2016

Date of Decision: 26.4.2016

Satinder Singh

Versus

State of Haryana and another

...Respondents.

1. Whether the Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE RAJ RAHUL GARG.**

PRESENT: Mr. Vishwajeet Singh, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. The petitioner has approached this Court by way of instant writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to refund the amount of ₹ 6,00,000/- along with interest inadvertently deposited with them under SC Category whereas he belongs to General Category. Further, a direction has been sought to the respondents to take action on the legal notice dated 1.2.2016 (Annexure P-3) within the specified time.

2. The Excise and Taxation Department vide tender notice, Annexure P-1, invited tenders for the allotment of license. In pursuance thereto, the petitioner, who belongs to General Category, applied L-14

Bastara/Phurlak within the revenue limit of village Phurlak and deposited security amount of ₹ 6,00,000/-through demand draft dated 13.3.2015 on 14.3.2015. However, the said tender was for reserved category and the petitioner being in General Category had inadvertently applied for the same. Accordingly, the petitioner moved an application dated 13.1.2016 to respondent No.2 for refund of the security amount, but to no effect. Thereafter, the petitioner sent a legal notice dated 1.2.2016 (Annexure P-3) to respondent No.2 for refund of the amount in question, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has served a legal notice dated 1.2.2016 (Annexure P-3) upon respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the legal notice dated 1.2.2016 (Annexure P-3), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

April 26, 2016
gbs

(RAJ RAHUL GARG)
JUDGE