

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.12103 of 2017
Date of Decision: May 30, 2017

The Jasbeer Co-op L & C Society Ltd., Jallaleana, Tehsil & Distt.Faridkot

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Tajinder Pal Singh Makkar, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Learned counsel for the petitioner submits that he will be satisfied if a direction is issued to the Executive Engineer, Eastern Canal Division, Ferozepur-respondent No.3 to consider the representation dated 3.11.2016 (Annexure P-6) within a stipulated period.

With regard to maintainability of the writ petition, the petitioner relies upon judgment rendered by coordinate bench of this Court in *M/s Ludhiana Builders Vs. State of Punjab and others* in CWP No.14356 of 2012 on 21.12.2015, wherein placing reliance upon the judgment of Hon'ble Supreme Court, it has been held that it is no longer *res integra* that contractual disputes involving public law element are amenable to writ jurisdiction and since the respondents, who are instrumentality of State, acted in contravention of Article 14 of the Constitution of India, the writ Court can issue suitable directions to set right the arbitrary actions of the respondents.

Without going into the merits and demerits of the claim of the petitioner, I deem it appropriate to direct the Executive Engineer, Eastern Canal Division, Ferozepur-respondent No.3 to consider the representation dated 3.11.2016 (Annexure P-6) within a period two months from the date of receipt of certified copy of this order and shall pass a speaking order thereon. If the claim of the petitioner is found justified, the payment shall be released to the petitioner within a period of two weeks thereafter.

The writ petition stands disposed of with the above direction.

May 30, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No