

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.12288 of 2017
Date of Decision.31.05.2017

Rakesh Kumar Contractor

.....Petitioner

Vs

The State of Punjab and others

.....Respondents

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

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

Learned counsel for the petitioner submits that he will be satisfied if a direction is issued to the 3rd respondent-The Executive Engineer, Abohar Canal Division, Canal Colony, Abohar, District Fazilka to consider the representation dated 31.03.2017 (Annexure P-2) 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 3rd respondent-The Executive Engineer, Abohar Canal Division, Canal Colony, Abohar, District Fazilka to consider the representation dated 31.03.2017 (Annexure P-2) within a period of 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.

(AMIT RAWAL)
JUDGE

May 31, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No