

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

CWP No.4938 of 2017

Date of Decision.10.03.2017

The Jai Bharat Co-op L&C Society Ltd., KotakpuraPetitioner

Vs

State of Punjab and othersRespondents

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-Executive Engineer, The Faridkot Drainage Construction Division, Faridkot to consider the legal notice dated 22.03.2016 (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-Executive Engineer,

The Faridkot Drainage Construction Division, Faridkot to consider the legal

notice dated 22.03.2016 (Annexure P-2) 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.

(AMIT RAWAL)
JUDGE

March 10, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No