

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

CWP No.8314 of 2017 (O&M)

Date of Decision.19.05.2017

Narinder Singh Kanakwal

.....Petitioner

Vs

State of Punjab and others

.....Respondents

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

C.M. No.7623 of 2017

Application is allowed.

Annexure P/3(colly) is taken on record and exemption from
filing certified/typed copy is granted subject to all just exceptions.

CWP No.8314 of 2017

Learned counsel for the petitioner submits that he will be
satisfied if a direction is issued to the 2nd and 3rd respondents i.e. Executive
Engineer, Faridkot Canal Division, Faridkot District Faridkot and Sub
Divisional Officer Dhaipai Canal Sub Division at Faridkot, District Faridkot
to consider the legal notice dated 09.01.2017 (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*

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 2nd and 3rd respondents i.e. Executive Engineer, Faridkot Canal Division, Faridkot District Faridkot and Sub Divisional Officer Dhaipai Canal Sub Division at Faridkot, District Faridkot to consider the legal notice dated 09.01.2017 (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 19, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No