

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-14324-2019 (O&M)
Date of Decision:09.07.2019**

Ashok Kumar & others

... Petitioners

Versus

State of Haryana & others

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sunil Kumar Nehra, Advocate for the petitioners.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioners seek a mandamus for directing the Deputy Commissioner, Gurugram Haryana to appoint a High Level Enquiry Committee into the alleged substandard construction of RMC M-40 road being constructed at the firm of Village Kanhai, Ward No.32, Gurugram.

It is the case projected on behalf of the petitioners that they are residents of village in question and the work in question was allotted to respondent No.4/construction company and which is being done against the norms of the contract. It is further asserted that the work is being done by the construction company in active collusion and in connivance with the officials of the Municipal Corporation, Gurugram. There are averments in the petition that the construction company/respondent No.4 is using substandard material and even not purchasing the same from the authorized vendors.

Having heard counsel for the petitioners at length, this Court is of the considered view that no intervention by this Court in exercise of its powers under Articles 226/227 of the Constitution of India is made out.

The matter essentially relates to a contract that has been

awarded to respondent No.4/construction company. The aspect as to whether the work that is being undertaken is as per the terms and conditions of the contract is for the Municipal Corporation Gurugram and its functionaries to examine at the appropriate stage(s). Even if there be any deviation and non-adherence to the terms and conditions of the contract, there would be requisite stipulations in the contract itself to tackle such situation.

This Court in exercise of its extraordinary writ jurisdiction would not embark upon a roving inquiry as to whether the material being purchased by the respondent No.4/construction company is substandard or not even purchased from the authorized vendors.

Even though, a suggestion has been made in the petition with regard to award of work and carrying out of the construction by respondent No.4 in collusion with the officials of the Municipal Corporation, Gurugram but the pleadings in regard thereto, are utterly vague. No specific names have even been mentioned. This Court, as such, would not even go into such aspect.

Even otherwise, the writ petition raises questions of fact.

In an overview of the matter, no interference in the matter is called for.

Petition is dismissed.

09.07.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |