

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

103

LPA No.4 of 2022 (O&M)

Date of Decision: August 16th, 2022

Sunil Kumar

...Appellant

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Ms. Varuna Singh, Advocate
for Ms. Mamta Panwar, Advocate
for the applicant-appellant.

Ms. Rajni Gupta, Additional Advocate General, Haryana,
for respondents No.1 to 5.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-7-LPA-2022

Prayer in this application is for condonation of delay of 22 days in re-filing the appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit of the applicant-appellant, the same is allowed.

Delay of 22 days in re-filing the appeal stands condoned.

CM-8-LPA-2022

Prayer in this application is for condonation of delay of 15 days in filing the appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit of the applicant-appellant, the same is allowed.

Delay of 15 days in filing the appeal stands condoned.

LPA No.4 of 2022

Challenge in this appeal is to the judgment dated 16.12.2019

passed by the learned Single Judge, whereby the writ petition preferred by the appellant praying for issuance of a writ of certiorari for quashing the order dated 15.06.2018 (Annexure P-30) passed by the Commissioner, Municipal Corporation, Sonapat-respondent No.5 vide which the representation submitted by the appellant/petitioner for decision on his claim for payment of ₹6,39,621/- for the articles supplied by the appellant to Gram Panchayat, Village Rathdhana, District Sonapat, which according to the appellant had been utilized as well, original bills submitted have been duly approved by the then Sarpanch of the Gram Panchayat as well as the Sub Divisional Officer, Panchayati Raj, but the payments were not made and it is during this period that the said Gram Panchayat has merged/included in the limits of Municipal Corporation, Sonapat, and kept in abeyance till the requirements as have been pointed out therein are fulfilled, has been dismissed.

It is the contention of learned counsel for the appellant that once the factum of the original bills having been received as also the said bills have been approved by the Sarpanch as also the Sub Divisional Officer, the payment had to be released by the Municipal Corporation, which had taken over the assets and liabilities of the Gram Panchayat. Non-release of the said amount, therefore, is unsustainable and a writ of mandamus needs to be issued after quashing the decision dated 15.06.2018 (Annexure P-30) of the Commissioner for release of the said amount of ₹6,39,621/-. Her contention is that the requirements which have been put forth by the Commissioner in his order cannot be fulfilled by the appellant as the said documents are not in his possession and would be available with the Gram Panchayat. Assertion has on this basis been made that the present

appeal may be allowed and the relief as claimed be granted.

This contention of learned counsel for the appellant cannot be accepted as the requirement as has been projected vide the impugned order dated 15.06.2018 (Annexure P-30) appears to be quite justified and in accordance with the requirements for release of the amount, which a party is claiming according to fixed norms and instructions. When the authenticity of the claim is not established, the respondents have rightly proceeded to keep the claim in abeyance calling upon the appellant to fulfill the said requirements. It would be a matter of evidence which is to be led by the parties in case the appellant so feels as this Court is of the opinion that on the basis of the documents which are sought to be projected as the basis for the claim would not suffice the requirement as per the instructions.

We do not find any ground for interfering with the order passed by the learned Single Judge as it is a well reasoned and justified order based upon the pleadings. The present appeal, therefore, being devoid of merit stands dismissed.

(AUGUSTINE GEORGE MASHI)
JUDGE

August 16th, 2022
Puneet

(ALOK JAIN)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No