

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

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**CWP-29873-2022 (O&M).
Date of Decision: 22.12.2022.**

M/s Vijay Kumar Contractor

... Petitioner

Versus

Municipal Council, Fatehabad

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Gurjant Singh, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred under Articles 226/227 of the Constitution of India, 1950, seeking issuance of an appropriate writ in the nature of Mandamus directing the respondent to consider the claim of the petitioner for execution of the miscellaneous work in Wards No.7 to 12 vide Memo No.ME/17 dated 06.03.2017 (Annexure P-1) as directed by the respondent and to release the payment of the petitioner/firm which has been wrongly withheld.

Learned counsel for the petitioner-firm contends that the miscellaneous work in Wards No.7 to 12 as directed by the respondent vide Memo No.ME/17 dated 06.03.2017 (Annexure P-1) stands successfully executed, however, the payment against the execution of the aforesaid work has not been released yet, even after inspection report and recommendations by the Committee regarding satisfactory execution of the work. He further

contends that in this regard, a legal notice dated 30.04.2022 (Annexure P-2) has been sent to the respondent and that despite a lapse of near about eight months since the date of legal notice neither any decision has been taken thereupon nor has the due and undisputed payment been released by the respondent. He contends that he would be satisfied in case the respondent is directed to look into the legal notice and the grievance espoused by the petitioner therein and a speaking order is passed thereupon in accordance with law and in a time bound manner.

Notice of motion.

Mr. Vivek Saini, Addl. A.G., Haryana, who by virtue of his assignment would thus also be on the panel of all the statutory Boards and corporations of the State of Haryana, is requested to and accepts notice on behalf of the respondent and he has no objection to the aforesaid prayer being granted.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of and the respondent is directed to take note of the legal notice dated 30.04.2022 (Annexure P-2) sent by the petitioner-firm and to pass a reasoned and speaking order thereupon in accordance with law and preferably within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that in the event the entitlement of the petitioner-firm being established as per law, the payment due to the petitioner-firm shall be released expeditiously and preferably within a further period of three months.

Petition stands disposed of accordingly.

December 22, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No