

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

131

CWP-2204-2023

Date of Decision: 03.02.2023

KALA BALA CO-OPERATIVE L&C SOCIETY GURDASPUR

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. S.K. Choudhary, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to consider the legal notice dated 22.08.2022 (Annexure P-3) served by the petitioner, in a time bound manner and to release the arrears of the work done by the petitioner for the respondent Department, amounting to Rs.4.88/- lacs alongwith interest @ 18% per annum and compensation for harassment and cost of litigation.

Learned counsel for the petitioner contends that the petitioner is aggrieved of the inaction on the part of respondent-Department in not releasing the arrears of work done by the petitioner allotted by the respondent-Department. The petitioner made various requests and representations followed by a legal notice dated 22.08.2022 (Annexure P-3), which has not been responded to by the respondents. The details of the work(s) carried by the petitioner are duly mentioned in paragraphs No.4 to 6 of the petition. The work was executed without any complaint and to the satisfaction of the respondent-department. But despite issuance of the legal notice (supra), neither any action has been taken thereupon nor has the payment been released in favour of the petitioner.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab accepts notice on behalf of the respondents and prays for some time to complete instructions and file reply.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.4- the Executive Engineer, Provisional Division, Public Works Department (B&R) Branch, District Gurdaspur is directed to consider and decide the legal notice dated 22.08.2022 (Annexure P-3) in a time bound manner.

Learned State Counsel does not oppose the prayer made by the learned counsel for the petitioner.

Accordingly, in view of the above and with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing the respondent No.4 to consider and decide the legal notice dated 22.08.2022 (Annexure P-3) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that upon considering the said legal notice, if any amount is found due and payable to the petitioner, the same shall be disbursed in favour of the petitioner within a further period of three months.

Disposed of accordingly.

03.02.2023
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(VINOD S. BHARDWAJ)
JUDGE

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