

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

131

CWP-5544-2023
Date of Decision: 17.03.2023

ANOOP

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Divyam Singh, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to release the payment to the petitioner in view of the letters dated NIL (Annexures P-13 to P-15) and to decide the Application dated 10.01.2023 and 28.02.2023 (Annexure P-16 and P-17) within a time bound manner.

The brief facts of the present case are that Gram Panchayat Kharak Gaghar, Block Pillu Khera, District Jind had passed resolutions wherein under the Panchayati Raj Institution of Scheme (PRI), for execution of the construction of street. Consequently, the petitioner had supplied raw material i.e. cement, bajri, TMT bars and also the block tiles etc. The details of the material supplied as well as the amount payable and outstanding against the same are duly given in paragraphs No.2 and 3 of the petition. However, the payment in lieu of the same had not been released till date. The petitioner

submitted an Application to the Deputy Commissioner, Jind with regard to the release of the payment in question dated 10.01.2023 (Annexure P-16), however, no action has been taken thereupon till date. The petitioner moved another application dated 28.02.2023 (Annexure P-17) with the grievance for release of the amount in question, however, no decision has been taken and the petitioner is suffering huge loss on account of non-payment of dues despite the fact that the work has already been executed.

Notice of motion.

Mr. Vivek Chauhan, Addl. A.G., Haryana, who is present in Court, accepts the notice on behalf of the respondents and prays for some time to complete instructions and file response, if any.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if the respondent No.4- the Sub Divisional Officer, Block Pillu khera,, District Jind is directed to consider and decide the Applications dated 10.01.2023 and 28.02.2023 (Annexures P-16 and P-17) 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 Applications dated 10.01.2023 and 28.02.2023 (Annexures P-16 and P-17) 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.

17.03.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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