

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CWP-5954-2023
Date of decision: 22.03.2023

ANOOOP

.....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.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1 & 4.

Mr. Vivek Saini, Advocate
for respondent No.5.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the due payment to the petitioner in view of letters dated NIL (Annexure P-5) and to decide the representation dated 10.01.2023 (Annexure P-6) 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 under the Panchayati Raj Institution of Scheme (PRI), for execution of the construction of Chaupal. The petitioner had supplied raw material including

TMT bars 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 seeking the release of the payment on 10.01.2023 (Annexure P-6), however, no action has been taken thereupon. The petitioner claims suffering huge loss on account of non-payment of dues despite the work having already been executed.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.4-Block Development and Panchayat Officer, Block Pillu Khera, District Jind is directed to look into the application dated 10.01.2023 (Annexure P-6) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondents No.1 to 4.

Mr. Vivek Saini, who is the Additional Advocate General Haryana and would thus be on the panel of all statutory Board and Corporations of the State of Haryana has been requested to accept notice on behalf of the respondents No.5- Gram Panchayat.

On the asking of the Court, he accepts notice on behalf of respondents No.5- Gram Panchayat and has no objection in the event such prayer of the petitioner as aforesaid is accepted.

Accordingly, the present petition is disposed of with consent of the parties and without commenting on the merits of the claim, with a

direction to respondent No.4-Block Development and Panchayat Officer, Block Pillu Khera, District Jind to examine the grievance espoused by the petitioner in the application dated 10.01.2023 (Annexure P-6) and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 22, 2023

Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No