

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

119

CWP-8418-2023

Date of Decision: 24.04.2023

M/S SATIVA GLOBAL EXPORTS

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Shubham Singh, Advocate for
Mr. Vivek Goyal, 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 hand over the 2112 wooden crates given on rent by the petitioner for storage purposes alongwith pending rent from June, 2022 to till date.

Learned counsel for the petitioner contends that the petitioner is a partnership concern and had provided 7107 wooden crates to the Food and Supplies Department, Haryana at a monthly rent of Rs.18/- per crate in the year 2019-20 for the purpose of wheat storage. It is further contended that from the very beginning, the respondent-Department was very irregular in making payment of rent. In this regard, the petitioner has made various complaints followed by a legal notice dated 26.11.2022 (Annexure P-3). It is further contended that after using the crates, the respondent-Department returned 4995 crates out of 7107 and the rent till May, 2002 also stands paid.

However, the remaining 2112 crates are still in possession of the respondent-Department without paying any rent for the same. Despite issuance of legal notice, the respondent-Department has neither returned the crates nor paid rent for the same till date.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondent No.1-State and prays for some time to file reply.

Mr. Vivek Saini, Addl. A.G., Haryana, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Haryana, is directed to accept notice on behalf of the respondents No.2 to 4. Hence, he accepts notice on behalf of the respondents No.2 to 4 and also prays for some time to complete instructions and file response.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if respondent No.2- the Department of Food Supplied and Consumer Affairs, Haryana through its Director is directed to consider and decide the legal notice dated 26.11.2022 (Annexure P-3) in a time bound manner.

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

Accordingly, in view of the above, 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.2 to consider and decide the legal notice dated 26.11.2022 (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.

Petition stands disposed of accordingly.

24.04.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No