

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

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CWP-15749-2023
Date of Decision: 25.07.2023

BHAGWAN DASS

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Ms. Sonia G. Singh, Advocate
for the petitioner.

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

Mr. Vivek Saini, Advocate
For respondents No.5 and 6.

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 decide the Legal Notice dated 01.03.2023 (Annexure P-14) of the petitioner and a further prayer to direct the respondents to release the pending payment regarding the bills (Annexure P-8) submitted by the petitioner.

Learned counsel for the petitioner contends that the petitioner was allotted work of construction of Municipal Committee Office at Kalayat through online Tender on 15.11.2017. An agreement dated 08.03.2018 was executed between Secretary, Municipal Committee, Kalayat and the

petitioner and thereafter work Order No. 64 dated 16.01.2018 was issued regarding construction of the Municipal Committee Office at Kalayat. The petitioner successfully executed the work under the supervision of the respondent-authorities. After completion of the aforesaid work, the petitioner has submitted its 9th bill, but the due payment and security has not been released till date. The details of the works and the amount payable to the petitioner have been duly given in paragraph No.6 of the petition. It is further submitted that there is no dispute with regard to successful completion of the works and as well as the amount claimed. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations but of no avail. Lastly, the petitioner served a legal notice dated 01.03.2023 (Annexure P-14) upon respondents-authorities but the respondents neither responded to the same nor did they make the payment of outstanding amount of the petitioner.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondent No.1 to 4, and prays for some time to file response, if any.

Mr. Vivek Saini, 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 respondent No.5 and 6.

On the asking of the Court, he accepts notice on behalf of respondents No.5 and 6-Municipal Committee, Kalayat, District Kaithal.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3- The Municipal

Commissioner, Kaithal is directed to consider and decide the legal notice dated 01.03.2023 (Annexure P-14) in a time bound manner.

Learned counsel for the respective respondents do not oppose the prayer made by 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 respondent No.3 to consider and decide the legal notice 01.03.2023 (Annexure P-14) 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 his favour within a further period of three months.

Petition stands disposed of accordingly.

JULY 25, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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