

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-20727-2023
Date of Decision: 18.09.2023

THE UDHAM NAGAR CO-OPERATIVE L AND C SOCIETY SUNAM AT
CHEEMA

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.... Respondents

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

Present: None.

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 release the due payment including security etc. alongwith interest @ 18% per annum qua the works executed by the petitioner.

From the perusal of the petition, it is noticed that the petitioner was allotted various works vide different work orders in various wards of Dhanula. The petitioner has successfully completed his work within the stipulated time period. The details of the works and the estimate cost are mentioned in Para No.3 of the writ petition. The technical wing of the Municipal Council Sunam checked the works and found the same to be in

order and entered the same in the measurement books which have further been countersigned/verified by the higher authorities but the due payment of the aforesaid work has not been released to the petitioner till date. The petitioner approached the respondents a number of times, but nothing fruitful could be gained. Thereafter, the petitioner served legal notice dated 18.11.2022 (Annexure P-2) to the respondent authorities but no action has been taken thereupon by the respondent-department. Recently, the petitioner served another Legal notice dated 21.06.2023 (Annexure P-4) upon the respondent-authorities but the respondents neither responded to the same nor did they make the payment of the outstanding amount to the petitioner.

However, in the considerate opinion of this Court, it would be appropriate and in the fitness of things if respondent No.3- the Executive Officer, Municipal Council, Dhanula, Tehsil and District Barnala is directed to consider and decide the legal notice dated 21.06.2023 (Annexure P-4) in a time bound manner.

Taking into consideration, without commenting anything upon the merits of the case, the present petition is disposed of *in absentia* while directing respondent No.3- the Executive Officer, Municipal Council, Dhanula, Tehsil and District Barnala to consider and decide the legal notice dated 21.06.2023 (Annexure P-4) 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.

Parties be informed accordingly.

SEPTEMBER 18, 2023
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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