

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

119

CWP-5857-2024

Date of Decision: 13.03.2024

THE SHER SINGH WALA CO-OP. L&C SOCIETY LTD.

... Petitioner

VERSUS

THE STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Chirag Girdhar, 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 release the due payment of Rs.15,46,935/- qua the work of Silt Clearance Disposal Drain of Nanaksar executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that despite having completed the allotted work within the stipulated time period and to the satisfaction of the respondent-Authorities, the due payment has not been released by the respondents. He further contends that with regard to his grievance, the petitioner has submitted various representations followed by a legal notice dated 02.01.2024 (Annexure P-4), but no action has been taken thereupon till date.

Notice of motion.

Mr. Aditya Sharda, DAG, Punjab accepts notice on behalf of respondents No.1 and 2; and prays for some time to complete instructions and file response, if necessary.

Mr. Saurav Verma, Addl. A.G., Punjab, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to accept notice on behalf of respondent No.3. Hence, he accepts notice on behalf of the said respondent and also prays for some time to complete instructions and file response.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3- Executive Officer, Municipal Council, Jagraon, District Ludhiana is directed to consider and decide the legal notice dated 02.01.2024 (Annexure P-4) in a time bound manner.

Learned Counsel for the respondents 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 respondent No.3 to consider and decide the legal notice dated 02.01.2024 (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 of the 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.

MARCH 13, 2024
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(VINOD S. BHARDWAJ)
JUDGE

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