

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

124

CWP-7482-2024
Date of Decision: 03.04.2024

BHATIA OPEN PLINTH

... Petitioner

VERSUS

THE STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Atul Sharma, 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 comply with their contractual obligations vide agreement dated 01.04.2020 for 60860 M.T. (Annexure P-1) and another agreement dated 01.04.2020 for 80000 M.T. (Annexure P-2) and to release the rent due as on 31.03.2024 for the financial years 2020-21 and 2023-24 and to continue paying/clearing the rent post the agreed date.

After arguing at some length, learned counsel for the petitioner submits that with regard to his grievance, the petitioner has submitted various representations followed by a legal notice dated Nil (Annexure P-13) to respondents No.2 and 3 but the respondents have neither taken any action thereupon nor did they make the payment of outstanding amount to the petitioner.

Notice of motion.

Mr. Vivek Saini, Addl. A.G., Haryana, accepts notice and prays for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.3- Food Civil Supplies and Consumer Affairs Department, Haryana is directed to consider and decide the legal notice dated Nil (Annexure P-13) in a time bound manner.

The learned State Counsel does 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 Nil (Annexure P-13) 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.

APRIL 03, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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