

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

108

CWP-9801-2024
Date of Decision: 01.05.2024

SURESH KUMAR

... Petitioner

VERSUS

FARIDABAD MUNICIPAL CORPORATION AND OTHERS

... Respondents

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

Present: Mr. Gaurav Arora, 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 respondent No.2 to make payment of pending bill, security and earnest money payable to the petitioner for completing the original work as well as revised work order for “Running Automation, Operation and Maintenance of water supply tube wells for outsourcing of Ward No.19 and 20 of Faridabad.”

Learned counsel for the petitioner contends that despite numerous requests and visits, the respondents have not released the legitimate dues of the petitioner. He further submits that with regard to his grievance, the petitioner has served a legal notice dated 22.02.2024 (Annexure P-5), however, the respondents have neither released the payment in question nor did they take any action upon the said legal notice.

Notice of motion.

Mr. Vivek Saini, Advocate accepts notice on behalf of the respondents 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- The Executing Engineer-II, Faridabad Municipal Corporation, Near B.K. Hospital, NIT Faridabad is directed to consider and decide the legal notice dated 22.02.2024 (Annexure P-5) in a time bound manner.

Learned counsel for the respondents does 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 dated 22.02.2024 (Annexure P-5) 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.

MAY 01, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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