



CWP-13154-2025

-1-

126

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

CWP-13154-2025

Date of Decision : 28.05.2025

PARVESH KUMAR ALIAS PARVESH AGGARWAL

.....Petitioner

VERSUS**STATE OF PUNJAB AND ANOTHER**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Tajinder Pal Singh Makkar, Advocate,
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Kunwar Ranjan, Advocate
for respondent no.2.

KULDEEP TIWARI, J.(Oral)

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a prayer is made for issuance of a *mandamus* upon the respondents to make the payment of Rs.17,41,302/-, payable towards the petitioner, which was deducted on account of the work executed by petitioner, alongwith interest @ 12% P.A.

2. This Court at the time of issuance of notice of motion vide order dated 08.05.2025, had passed the hereinafter extracted direction:-

“The main grievance which propelled the present petitioner to approach this Court by casting instant petition under Article 226/227 of the Constitution of India, is the indolent and lackadaisical approach of the



CWP-13154-2025

-2-

authority concerned, in not deciding his representation dated 03.04.2025 (Annexure P-5).

Notice of motion.

Mr.Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of all the respondents, and waives service.

Adjourned to 28.05.2025.

In the meanwhile, the competent authority amongst the respondents, i.e. The Executive Officer, Municipal Council, Kot Isee Khan, District Moga (respondent no.2), is directed to make its all endeavours to take final decision on the legal notice (*supra*), within a period of 15 days from today, and a copy of the decision, so taken, shall be placed on record, positively, on or before the next date of hearing.

In case the compliance of the aforesaid direction is not made, respondent no.2, shall cause his personal appearance before this Court on the next date of hearing.

To be shown in the urgent list.

It is made clear that no further request for an adjournment shall be entertained on the next date of hearing, on behalf of either of the parties.”

3. In deference to the directions (*supra*), learned counsel for respondent no.2-MC, has filed a short reply by way of an affidavit of an affidavit of Sh.Brij Mohan, Executive Officer, Municipal Council, alongwith the speaking order dated 22.05.2025, with the Registry of this Court, which is ordered to be taken on record.

4. A perusal of the reply (*supra*) reveals that a speaking order has been passed on dated 22.05.2025, whereby, for the work mentioned at Sr. No.1, in the speaking order, it is specifically recorded that the test reports, and the sanction from the competent authority, is awaited and payment with regard to same will be made within 15 days, subject to the receipt of the aforesaid test report and sanction.

**CWP-13154-2025****-3-**

5. Learned counsel for the petitioner submits that the averment with regard to non-receiving the third party test reports, is factually incorrect, as the same has been received by the Municipal Council concerned, on dated 09.02.2025.

6. On the other hand, learned counsel for respondent no.2-MC, submits that he does not wish to join the issue, as to whether, the test report has been received or not, however, he submits that the amount which was found due towards the work mentioned at Sr. No.1, will be released after getting sanction from the competent authority concerned, within 2 months from date of passing of this order.

7. So far as, issue regarding payment of the work done at Sr. No.2, of the speaking order is concerned, that does not survive any longer, as it is admitted by learned counsel for the parties concerned, that the said amount has already been paid.

8. In view of the above, since the grievance, as incapsulated in the instant petition, has already been redressed, therefore, no further direction is required to be passed in the instant matter.

9. **Disposed of** accordingly.

May 28, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No