

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2023 of 2022**

Gram Panchayat Chharchhed, Through Sarpanch Bharat Das Manikpuri, S/o Shri Sewak Das Manikpuri, A/o 40 Years, R/o Village Chharchhed, Tehsil Kasdol, District Balodabazar-Bhatapara, Chhattisgarh.

---- **Petitioner****Versus**

1. State of Chhattisgarh Through Its Secretary, Department of Panchayat and Rural Development, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Post Office Rakhi, District Raipur, Chhattisgarh.
2. Collector/President District Mineral Foundation Trust, District Balodabazar-Bhatapara, Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat, Kasdol, District Balodabazar-Bhatapara, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. A.K. Kesharwani, Advocate.
For State	:	Mr. Pawan Kesharwani, P.L.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****29/04/2022**

Heard.

1. This writ petition is filed under Article 226 of the Constitution of India with following reliefs :-

“10.1. To issue the writ of MANDAMUS or any other appropriate writ directing the respondent authorities to immediately release the remaining 60% amount of three construction work done by the petitioner, in the interest of justice.

10.2. To pass any other order as it may deem fit, in the interest of justice.”

2. Learned counsel for petitioner submits that petitioner has been awarded the work under the DMF scheme, initially 40% of value of work was released in favour of petitioner. Petitioner started work and had utilised the entire 40% of amount released in its favour. Thereafter, made

demand for release of 60% of work but somehow respondents have not released remaining 60% of the value of work in favour of petitioner. During pendency of application for demand, work allotted to petitioner was cancelled vide Annexure P-5 and before that 100% work was completed.

3. Learned State Counsel opposes the submission of counsel for petitioner and submits that once the work awarded to petitioner has already been cancelled, relief as sought for by petitioner for disbursement of amount with respect to balance 60% of value of work, could not be granted.
4. At this stage, counsel for petitioner submits that petitioner submitted representations before respondent No.2/Collector on 25.06.2019, 13.05.2020, 20.08.2020, 07.09.2020 & 30.03.2020 (Annexure P-3), but till date representations are not considered and decided, Hence, a direction be issued to respondent No.2 to consider and decide representations (Annexure P-3) at the earliest.
5. Heard counsel for parties and perused record of writ petition.
6. Undisputedly, the work awarded to the petitioner under DMF was cancelled by respondent No.2 on 01.01.2019, hence, the relief which is sought for by the petitioner in prayer Clause No.10.1 could not be granted unless and until the order of cancellation is set aside.
7. Considering entire facts and circumstances of case, submissions of counsel for respective parties, documents available on record, the fact that petitioner has already submitted representation raising grievance with regard to cancellation of work, respondent No.2/Collector is directed to consider and decide the representations submitted by the petitioner as Annexure P-3, strictly in accordance with law at the earliest preferably within a period of eight weeks from the date of receipt of copy of the

order passed by this Court. Petitioner is also directed to enclose copy of writ petition alongwith copy of order passed by this Court for consideration of the authority concerned. It is made clear that this Court has not made any observation on merits of claim of petitioner, it will be open for respondent -authority to consider and decide representations on its own merits

8. With above direction, writ petition stands disposed of.

CC as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-