
(2022) 09 UK CK 0055

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2133 Of 2022

Shakti Prasad Bijalwan

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 12-09-2022

Acts Referred:

Citation : (2022) 09 UK CK 0055

Hon'ble Judges : Vipin Sanghi, CJ;R.C. Khulbe, J

Bench : Division Bench

Advocate : Shivanand Bhatt, J.C. Pande

Final Decision : Disposed Of

Judgement

Vipin Sanghi, CJ

1. The petitioner has preferred the present Writ Petition to seek a direction to the respondents to forthwith make payment to him of his pending bill, in lieu of the work of construction of Park at Ward No. 1 (Kumarkheda) Gangotri Road, Narendra Nagar, Tehri Garhwal.
2. The case of the petitioner is that, after he has performed nearly 50% of the work, the same has been stopped by the respondents on the ground that the area in question falls in the Disaster Management area. His grievance is that no payment has been released to him by the respondents till date.
3. The relief sought in the Writ Petition cannot be granted in writ proceedings, since they involve disputed questions of fact.
4. However, we dispose of this Writ Petition with a direction to the respondent-authorities to examine the petitioner's claim, and to the extent that the same is found justified, the same should be remedied within four weeks. In case, the petitioner still has any outstanding dues, he may invoke other appropriate remedy available to him in law.

5. In sequel thereto, pending application, if any, also stands disposed of.