

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MC (W.A.) No. 134 of 2022

Konsam Inakhunba Meitei

Petitioner

Vs.

D. James Lamkang; & Ors.

Respondents

With

**CONT. CAS (C) No. 21 of 2022 With MC (W.A.) No. 130 of 2022
With W.A. No. 74 of 2022 With W.A. No. 78 of 2022**

BEFORE

**HON'BLE THE ACTING CHIEF JUSTICE MR. MV MURALIDARAN
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

16.03.2023

Acting C.J. :

Heard Mr. M. Hemchandra, learned senior counsel, appearing for the appellant in W.A. No. 78 of 2022; Mr. Niranjana Sanasam, learned Government Advocate, appearing for the appellants in W.A. No. 74 of 2022; Ms. Donapriya, learned counsel for respondent No. 1 in both the writ appeals and the petitioner in CONT. CAS (C) No. 21 of 2022; and Mr. Ajoy Pebam, learned counsel for the respondents in CONT. CAS (C) No. 21 of 2022.

These writ appeals have been filed challenging the order dated 22.11.2021 passed in W.P. (C) No. 934 of 2019. After issuance of notice, respondents have entered appearance.

When the matters were taken up today, Mr. M. Hemchandra, learned senior counsel appearing for the appellant in W.A. No. 78 of 2022, has produced a letter dated 09.02.2023 issued by the Chief Engineer, Rural Engineering Department (RED), Government of Manipur, addressed to Mr. Sh. Shyam Sharma, Dy. Government Advocate, furnishing reply comment along with relevant documents for filing reply affidavit for disposal of W.P. (C) No. 580 of 2022.

In W.P. (C) No. 580 of 2022, the respondents have given the reply comments as follows:-

"The writ petitioner has started execution of the work under Package No. MN0 2171 "Charangching to Mahout Tera" and 1st RA Bill has also been paid to the writ petitioner copy of the photographs and present status of work is enclosed as Annexure-B/1 and B/2. And the Private Respondent Shri James Lamkang has also requested to withdraw his Earnest Money Deposited by him vide his letter dated 30.06.2022 (Annexure-B/3), hence, the EMD amount of Rs. 8,75,000/- has been refunded in favour of the private respondent vide Account Payee Cheque No. 887513 dated 30.06.2022 and the same has been duly received by the private respondent by endorsing his signature (Annexure-B/4).

The writ petition may graciously be pleased to dispose in terms of the prayer made in the writ petition so as to enable to resume/continue and complete the construction of road from "Charangching to Mahout Tera" under Package No. MN0 2171 as per the earlier Work Order dated 19.07.2019 in the interest of the general public. Moreover, the villagers represented by the Komsen Village Authority of Chandel District has appealed to the Contractor and the Department concerned to complete the construction of the said road under Package No. MN0 2171 for the welfare of the villagers vide Press Release dated 13.01.2023 (Annexure-B/5)."

On perusing the same, these writ appeals which are the subject matter of the said writ petition in W.P. (C) No. 580 of 2022, have become infructuous.

Mr. Niranjana Sanasam, learned Government Advocate, appearing for the appellants in W.A. No. 74 of 2022 and Ms. Donapriya, learned counsel for respondent No. 1, agree with the same.

Accordingly, W.A. No. 74 of 2022 and W.A. No. 78 of 2022 are dismissed as infructuous.

In view of the order passed today in the writ appeals, MC (W.A.) No. 130 of 2022, MC (W.A.) No. 134 of 2022 and CONT. CAS (C) No. 21 of 2022 are also closed.

JUDGE

ACTING CHIEF JUSTICE

Sandeep