

GAHC010185842023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4805/2023

ADITYA KUMAR GHOSH
S/O- SRI GOUR CHANDRA GHOSH, R/O- WARD NO.4, P.O. AND P.S.
BILASIPARA, DISTRICT- DHUBRI, ASSAM, PIN- 783348

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, HOUSING AND URBAN AFFAIRS, DISPUR, GUWAHATI-06

2:THE DIRECTOR
MUNICIPAL ADMINISTRATION
ASSAM
DISPUR GUWAHATI-06

3:THE CHAIRMAN
ASSAM GOVERNMENT MARKETING CORPORATION LTD.
GNB ROAD
AMBARI
GUWAHATI-01

4:THE CHAIRPERSON
BILASIPARA MUNICIPAL BOARD
P.O. BILASIPARA
DIST.- DHUBRI
ASSAM
PIN- 783348

5:THE EXECUTIVE ENGINEER
BILASIPARA MUNICIPAL BOARD
P.O. BILASIPARA
DIST.- DHUBRI

ASSAM
PIN- 78334

Advocate for the Petitioner : MR M A ISLAM

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

10.01.2024

Heard Shri J Islam, learned counsel for the petitioner. Also heard Shri AK Sarma, learned counsel for the respondent no. 4, who has also filed the affidavit.

The State respondents are represented by Shri K Gogoi, learned State Counsel, Assam.

In view of the stand taken by the respondent no. 4 in the affidavit-in-opposition filed on 05.01.2024, this Court is of the opinion that this writ petition need not be kept pending.

The subject matter of this writ petition is with regard to an NIT issued by the Bilasipara Municipal Board for various works under the PWD. The grievance of the petitioner pertains to an order dated 18.08.2023 by which, the petitioner was disallowed from participating in the tender.

Shri Sarma, learned counsel for the Bilasipara Municipal Board by referring to the aforesaid affidavit-in-opposition, however, submitted that the aforesaid order dated 18.08.2023 has been cancelled. In this connection, the relevant pleadings of the aforesaid affidavit made in paragraph 6 are extracted hereinbelow:

“6. That your deponent states that after received of the communication dated 23.08.2023 from the petitioner and knowing the order passed by this hon'ble court your deponent vide a letter dated 02.09.2023 sought a legal opinion from the Special Counsel engaged on behalf of Bilasipara Municipal Board regarding the aforesaid matter. Accordingly on 08.09.2023 your deponent has received a legal opinion in connection with the order dated 21.08.2023 passed in WP(C) no. 4805/2023. Subsequently thereafter the Bilasipara Municipal Board in its meeting held on 12.09.2023 discussed about the order passed by this hon'ble court in WP(C) No. 4805/2023 as well as the legal opinion received on request from the Special Counsel vide his letter dated 08.09.2023. Thereafter the Board vide Resolution No. 4 resolved to cancel the order dated 18.08.2023 and allow the petitioner to participate in the tender process. The said resolution was accordingly communicated to the Engaged Counsel vide letter dated 21.09.2023.”

In view of the aforesaid stand of the Bilasipara Municipal Board taken in the aforesaid affidavit-in-opposition, there is no cause of action to be adjudicated upon and accordingly, the writ petition is closed.

JUDGE

Comparing Assistant