

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.9744 OF 2005

Umasankar Das

....

Petitioner

Mr.P.Sinha, Adv.

-versus-

State of Orissa & ors.

....

Opposite Party(s)

Mr.S.Ghosh, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
28.9.2022**

Order No.

08.

1. Heard learned counsel for the Parties.
2. The Writ Petition involves the following prayer :-

“It is, therefore, respectfully prayed that this Hon’ble Court may graciously be pleased to issue a writ of Mandamus directing the opposite parties to look into the grievance of the petitioner as per Annexure-2 to 8 and finalise the final bill of the petitioner in respect of the work “Construction of Submersible bridge over Sukhanalla on Boipariguda-Ramgiri-Gupteswar Road” vide Agreement No.20F 2 91-92;

To issue a Rule NISI;

And pass such other order and orders as this Hon’ble Court may deem just and proper.”

3. The Writ Petition though was filed seeking direction for consideration of the grievance of the Petitioner, vide Annexure-2 to 8 in the year 2005, was not moved at least up to 14.7.2014 when a Bench of this Court directed service of copy of the Writ Petition on the learned State Counsel enabling him to obtain instruction. This

Court finds, there is already filing of counter by O.Ps. disclosing in Paragraph-11 as follows :-

“11. That in reply to the averments made in Para-11 of the writ petition, it is humbly submitted that the contractor was finally requested vide Letter No.4061 dated 31.7.2014 (Annexure-A/3) to accept the final measurement bill and measurement book. The agency could not attend the same for accepting the final measurement as yet.”

4. For there is already subsequent development by way of Annexure-A/3 asking the Petitioner to accept the final measurement bill and measurement book, it is also reported, the Agency could not attend to the same. This Court finds, there has been further development on the grievance of the Petitioner.

5. The Writ Petition thus becomes infructuous and stands dismissed for involving previous matter, which has been attended through Annexure-A/3 to the counter.

(Biswanath Rath)
Judge

M.K.Rout