

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 27148 of 2017

*Sulabh International Social
Service Organization, Odisha
Branch, Bhubanesar*

.....

Petitioner

Mr. N.C. Mohanty, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

*Mr. P.P.Mohanty, AGA
(O.P.1)*

*Mr. M. Kanungo, Sr. Advocate along
with Mr. S.R. Mohanty, Advocate
(O.P.3)*

*Mr. S. Mohanty, Advocate
(O.P.4)*

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

26.07.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. N.C. Mohanty, learned Counsel for the Petitioner; Mr. M. Kanungo, learned Senior Counsel appearing along with Mr. S.R. Mohanty, learned Counsel for Opposite Party No.3 and Mr. S. Mohanty, learned Counsel appearing for Opposite Party No.4.

3. The Petitioner has filed this Writ Petition seeking to quash the Order dated 06.12.2017 under Annexure-9 issued by Opposite Party No.3 disengaging the Petitioner from the work for operation and maintenance of Free Sulabha Souchalaya/Public Toilets and further to quash the allotment of Opposite Party No.4.

4. Considering the contentions raised by learned Counsel for

the parties and after going through the records, it appears that Cuttack Municipal corporation issued a Notice Inviting Limited Tender dated 28.08.2017 under Annexure-4 inviting bid from the empanelled agencies for operation-maintenance of community toilets, public toilets and allied amenities of Cuttack Municipal Corporation for a period of 15 years. Pursuant to the said Tender, Opposite Party No.4 was selected and as such, the Petitioner was not participated in the tender and the same has not been challenged in this Writ Petition. The Petitioner has only challenged the Office Order dated 06.12.2017 under Annexure-9, wherein it is stated that pursuant to letter dated 26.04.2017 issued by the Housing & Urban Development Department, Govt. of Odisha and the Office Order dated 07.11.2016 of Cuttack Municipal Corporation for Maintenance of Free Sulabha Souchalaya/Public Toilets by the Petitioner is deemed to be inoperative w.e.f. 31.12.2017. It clearly indicates that the work has been allotted in favour of Opposite Party No.4, pursuant to Notice Inviting Limited Tender dated 28.08.2017 under Annexure-4. Therefore, the claim made by the Petitioner cannot be sustained in the eye of law. However, if at all any claim subsists, the Petitioner may approach the appropriate forum ventilating his grievance.

5. In view of the above, the Writ Petition stands disposed of.
6. Issue urgent certified copy of this Order.

(DR. B.R. SARANGI)
JUDGE

Alok/Banita

(S.K. MISHRA)
JUDGE