

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7773 of 2015

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Jiwan Kumar Son of Shri Ayodhya Prasad, resident of Gola Road, Muzaffarpur,
P.S. Town, Thana, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Agriculture, New Secretariat,
Patna,
2. The Administrator, Bihar State Agricultural Marketing Board (Dissolved), Pant
Bhawan, Bailey Road, Patna,
3. The S.D.O.-cum-Special Officer, Agriculture Produce Market Committee,
Muzaffarpur (Dissolved) District- Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Braj Kishore Singh Chouhan, Advocate
For the State : Mrs. Kumari Amrita, GP 10
For the Intervenor : Mr. Sanjay Parasmani,
Mr. Nagendra choudhary, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-09-2015

The present writ petition has been filed for quashing the order dated 30.11.2014 issued by the Sub-Divisional Officer-cum-Special Officer, Muzaffarpur vide letter 223 by which approval for installation of the weighing machine has been cancelled in violation of the principles of natural justice.

2. It is submitted on behalf of the petitioner that the petitioner had been granted approval for installation of the weighing machine at Bazar Samittee Campus, Muzaffarpur in terms of the letter of the S.D.O. contained in Memo No.88 dated 10.10.2014 which the petitioner duly installed and has been operating. It is further submitted that cancellation of approval without notice to the petitioner is illegal

as being the violative of the principles of natural justice.

3. Learned counsel for the respondent-State submits with reference to the impugned order that the approval given to the petitioner was purely temporary in nature and withdrawal of the approval has been made pursuant to the directions received from the Administrator, Bihar State Agriculture Marketing Board (dissolved) as directed in letter no.835 dated 10.11.2014 for cancellation of such approval for weighing machines which had been permitted to be installed without proper sanction from the appropriate authority.

4. Having regard to the stand of the parties, this Court is of the view that no fault can be found with the impugned order cancelling approval of the petitioner for installation of the weighing machine which had been permitted purely on temporary basis. This Court is not satisfied to interfere in the matter as the petitioner has not been able to show that the approval was granted after proper sanction of the appropriate authority.

5. The writ petition, accordingly, stands dismissed. The interlocutory applications stand disposed of.

(Vikash Jain, J)

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