

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2173 of 2015
Arising out of
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.

.... Appellant/s

Versus

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

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Y.V.Giri, Senior Advocate.
Mr. Ashish Giri, Advocate.

For the Respondent/s : Mr. Rajesh Kumar, AC to GP-10.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 27-04-2016

Heard learned counsel for the parties.

2. The order dated 17.09.2015 passed by the learned single Bench in CWJC No. 7773 of 2015 is the subject matter of challenge in the present Letters Patent Appeal. By the said order, the cancellation of temporary permission granted to the appellant for installation of the weigh bridge was cancelled.

3. The Sub Divisional Officer granted permission for installation of weigh bridge on purely temporary basis vide communication dated 18.10.2014, Annexure-2. However, soon thereafter, on 30.11.2014, such permission was withdrawn for the reason that no approval from the

Administrator, Bihar State Agriculture Marketing Board, since dissolved, was obtained.

4. The learned single Bench found that it is not the case of the appellant that the permission for installation of weighing bridge on temporary basis was granted after approval from the Administrator and on this account, the writ was dismissed.

5. Learned counsel for the appellant vehemently argued that on the basis of the permission, the appellant has changed his position and, therefore, the respondents are estopped to cancel the allotment.

6. We do not find any merit in the said argument. The permission granted was on purely temporary basis. Once the permission was temporary, therefore, in the very nature of things, it could be cancelled at any point of time. There was no period fixed for the use of permission. Therefore, the same could very well be withdrawn soon thereafter as well.

7. In view thereof, we do not find any error in the order passed by the learned single Bench, which may warrant interference in the present intra court appeal.

8. The Letters Patent Appeal stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar
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