

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15615 of 2015**

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Gopal Kumar @ Gopal Kumar Agrawal S/o Jai Prakash Agrawal, M/s  
Balaji Ware House, Subhash Chowk, P.S.- Forbesganj, District- Araria.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna.
2. Administrator, Bihar State Agriculture Marketing Board (Dissolved), Pant Bhawan, Bailey Raod, Patna.
3. The District Magistrate, Araria.
4. The Sub Divisional Officer cum Special Officer, Agriculture Produce Marketing Committee (Dissolved) Forbesganj, Araria.
5. The Cirlce Officer, Forbesganj, Araria.

.... .... Respondent/s

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**Appearance:**

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|----------------------|---|----------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Arvind Kumar Tiwary, Advocate<br>Mr. Sunil Singh, Advocate |
| For the State        | : | Mr. S. Raza Ahmad, AAG-5<br>Md. Anisul Haque, A.C. to AAG-5    |
| For the Intervener   | : | Mr. Raju Giri, Advocate<br>Mr. Santosh Kumar Mishra, Advocate  |

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

4      27-03-2017                      Heard learned counsel for the petitioner and learned  
counsel for the State.

In this case, the petitioner is challenging the Memo No. 30 dated 04.9.2015, whereby and whereunder the Principal Secretary, Department of Agriculture, Bihar, Patna has passed the order for allotment of the land for installation and construction of Dharam Kanta (weigh bridge). As per the claim of the petitioner, he was allotted the plot by the then Sub Divisional Officer and whereafter he installed the Dharam Kanta. One interested private person made a complaint raising the issue that the allotment of land is without following the due process of law as before the allotment of the lands for installation of Dharam Kanta no



advertisement was made either in the national news paper or otherwise without seeking the application from the other interested persons for the aforesaid purpose.

In the counter affidavit, the specific allegation has been made that the letter dated 23.3.2015, is a forged document and has never been issued from the office rather manufactured and manipulated document, further the petitioner is facing criminal case vide Forbisganj P.S. Case No. 56 of 2015 under sections 406, 420, 467, 468, 471, 120B of the Indian Penal Code. The claim of the petitioner that he has been granted bail by the Sessions Judge in A.B.P. No. 229 of 2016, that does not wipe out the allegation made against the petitioner. The allegation made in the counter affidavit that the letter is a forged document whereas counsel for the petitioner submits that the letter was issued from the office which is apparent from Annexure-E.

As it is a disputed question of fact with regard to the creation and issuance of letter, which cannot be adjudicated, so the petitioner should approach other forum as admissible in law.

With the aforesaid observations and directions, this writ petition is disposed of.

**(Shivaji Pandey, J)**

S.Sb/-

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