

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.738 of 2017

IN

Civil Writ Jurisdiction Case No. 15615 of 2015

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Gopal Kumar @ Gopal Kumar Agarwal Son of Jai Prakash Agarwal, M/S Balaji
Ware House, Subhash Chowk, P.S. Forbesganj, District- Araria.

.... Appellant/s

Versus

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

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Singh, Adv.

For the State : Mr. Tej Pratap Singh, AC to AAG-13

For Intervenor : Mr. Raju Giri, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 17-04-2018

Heard counsel for the appellant, counsel for the State as
well as the intervenor.

Having gone through the order dated 27.03.2017, we are
satisfied that no case was made out for interference under Article 226



of the Constitution of India and the controversial circumstances under which so called settlement of land on lease was initiated and made by the Sub-Divisional Officer to setup a weighing bridge.

This Court cannot be unmindful of the fact that after the repeal of the Bihar Agriculture Market Act, all Market Committees were dissolved and the assets and liabilities vested in the State Government. The Sub-Divisional Officer no longer remained the Secretary of the non-existent Market Committee and he was only a caretaker at the most.

Besides this, the material has come to show that the settlement was done unilaterally without due approval of the superior authorities and without inviting any kind of response by giving publicity etc.

This has also led institution of criminal case against the appellant, in which he may have obtained bail, but the trial is not over as yet. In these circumstances, it cannot be said that the right of the petitioner accrued in his favour and the principle of legitimate expectation and promissory estoppel comes into play. Legitimate expectation and promissory estoppel will come into play provided any decision or benefit has been obtained by following due procedure and authorized by the competent authority. In absence of such evidence and material to show fairness in the decision making, the above



principles cannot be pressed into service.

We are not inclined to interfere with the order of the learned Single Judge. Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/Devendra

AFR/NAFR	NAFR
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