

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12000 of 2014

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1. Upendra Poddar son of Siyasaran Poddar, Proprietor, India Metal Industries Industrial Estate, Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through Director of Industry
2. Managing Director Bihar Industrial Development Authority, Udoyog Bhawan, Patna
3. Managing Director, Bihar State Financial Corporation, at Fraser Road, Patna
4. Director, Regional office, Bihar, State Development Authority, Dharbhanga
5. Officer I/C Saharsa Industrial Estate, Saharsa
6. M/s S.N.S. Agro Industries of Industrial Estate Sharsha
7. Goinka Industry, Industrial Estate Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Badri Narayan Singh,
Mr. Sanjay Kumar Pandey
For the Respondent/s : Mr. Rajeev Ranjan Prasad
Mr. Partha Sarthy

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 27-11-2015

Heard Mr. Badri Narayan Singh for the petitioner, Mr. Rajeev Ranjan Prasad for the respondent Bihar Industrial Area Development Authority (for short 'BIADA') and Mr. Partha Sarthy for the Bihar State Finance Corporation (for short "BSFC").

The writ application seeks to challenge the legality of the order dated 03.05.2014 passed by the Managing Director of the BIADA copy whereof has been enclosed along with the supplementary affidavit. In the light of the order passed by this Court in C.W.J.C. No. 10325 of 2008, the Managing Director was required to pass an order on the claim of the petitioner. After hearing the parties, the Managing Director of BIADA declined to grant the relief which the petitioner



industry sought. Be it noted that one of the reliefs prayed for by the petitioner was that the plot(s) bearing no. A-05 and A-06 allotted to the petitioner by the BIADA was during the pendency of the litigation in this Court was settled arbitrarily with the some other industrial unit(s). The Managing Director has set out reasons for declining the relief to the petitioner. Aggrieved thereby, the present writ petition has been filed.

Diverse submissions have been made by Mr. Singh to assail the correctness of the order. In this regard, he has referred to a communication of the respondent BSFC addressed to the respondent BIADA, copy whereof has been enclosed as Annexure-D to the counter affidavit of the respondent BSFC. It has been submitted that the BSFC is ready and willing to withdraw the charge provided the BIADA cancels the sale order made in favour of another industrial unit(s) in respect of the two plots which was initially allotted and settled with the petitioner industrial unit.

Mr. Rajeev Ranjan Prasad, Counsel for the BIADA has raised an objection with regard to the maintainability of the writ petition directly before this Court. It has been submitted that the order has been passed in exercise of the statutory power, albeit under the orders of this Court, by the Managing Director of the BIADA which is appealable before the Chairman-cum-Principal Secretary of the Industry Department, Government of Bihar, where all issues of fact

and law can be raised and effective relief can be granted.

Several facts have been placed before this Court by both parties. When the statutory remedy is available to the petitioner, this Court would not exercise its discretionary and extraordinary jurisdiction. It would be advisable to relegate the petitioner to avail the statutory remedy of filing Appeal before the Appellate Authority for consideration and disposal in accordance with law.

Mr. Singh has pressed I.A. No. 6748 of 2015, which has been filed to grant interim protection to the petitioner, Annexure-12 thereto has been placed before the Court wherefrom, it appears that on the instruction of the Respondent BIADA, the Sub-divisional Officer has put the petitioner on notice to vacate the two plots which were allotted/settled with the Petitioner. Since, this Court is relegating the petitioner to the forum of Appeal as provided under the Act, it is deemed expedient that the said order of the Sub-Divisional Officer, as contained in Annexure-12, if not given effect to, be kept in abeyance for a period of four weeks, enabling the petitioner to file appeal and press the same on merit.

The writ application is disposed of with the aforesaid observation(s)/direction(s).

(Kishore Kumar Mandal, J)

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