

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13320 of 2007

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Shabbo Khatoon, wife of Sri Suresh Raut, resident of Bhola M.P.Chowk,
P.S.-Bettiah, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Industry Development,
Government of Bihar, Patna.
2. Managing Director, North Bihar Industrial Area Development
Authority, Muzaffarpur.
3. Executive Director, Bihar Industrial Area Development Authority,
Regional Office, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate.
Mr. D.N.Tiwari, Advocate.
Mr. Sanjiv Sharan, Advocate.

For the Respondent/s : Mr. Lalit Kishore, P.A.A.G.
Mr. Piyush Lall, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

7 23-01-2015 Having heard learned counsel for the parties, this Court

is satisfied that the impugned order in this writ application, having

been passed by the Managing Director of the Bihar Industrial Area

Development Authority (BIADA) in exercise of its power under

Section 6(2)(a) of the Bihar Industrial Area Development

Authority Act, 1974 read with Rule 3(i) of the Bihar Industrial

Area Development Authority Rules, 1981, is capable of being

assailed in an appeal as provided under Section 6(2)(a) of the Act

itself.

2. When such an observation has been made, Mr. N.K.

Agrawal, learned senior counsel appearing on behalf of the

petitioner, seeks permission to withdraw this case in order to enable that petitioner to file an appeal before the State Government within a period of two weeks from today.

3. This writ application is accordingly, permitted to be withdrawn with the aforementioned liberty with a further observation that if the petitioner files such appeal within a period of two weeks, the appellate authority, keeping in view that this writ application had remained pending since 06.10.2007, would proceed to decide the appeal of the petitioner on merit instead of non-suiting her on the ground of delay/limitation, if any.

4. It goes without saying that when this writ application has been withdrawn, the interim order passed earlier shall automatically stand vacated.

Sujit/-

(Mihir Kumar Jha, J)

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