

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4765 of 2015

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1. Anup Kumar Sharma Son of Sri Bhawani Shankar Sharma Resident of
Tara Devi Apartment, Chunihari Tola, P.S. - Kotwali, District - Bhagalpur.
..... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Industry Department.
2. The Managing Director, Bihar Industrial Area Development Authority
(Biada), First Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
3. The Executive Director, Bihar Industrial Area Development Authority
(BIADA), Regional Office, L.I.E. Barari, Bhagalpur.
4. The Development Officer, Bihar Industrial Area Development Authority
(BIADA), Bhagalpur, Barari, District - Bhagalpur.
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Jha
For the Respondent/s : Mr. Ga5- Jai Shankar Barnawal
Mr. Rajeev Ranjan Prasad

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

6 14-07-2015 Heard the Counsel for the petitioner and Mr. R.R.
Prasad, Counsel for the Bihar Industrial Area Development
Authority (for short 'BIADA'). Counsel for the State is also
present.

In substance, the petitioner is aggrieved by the order
which the Managing Director passed on 16.12.2014/29.01.2015
which appears to have been communicated to the petitioner vide
Memo No. 156/D dated 14.2.2015 whereby the allotment of land
measuring 10000 sqr. ft in favour of Anand Engineering Works
owned by the petitioner was cancelled and the amount deposited
by the petitioner as owner of the Anand Engineering Works was
directed to be forfeited.

Diverse submissions have been made on behalf of the petitioner to assail the said order which have been countered by the counsel for the BIADA. One of the contentions of Mr. Prasad is that any such order passed by the respondent Managing Director can be assailed under the statutory provisions contained in Section 6(2)(a) of the Bihar Industrial Area Development Authority Act which, of course, is required to be filed within one month.

Considering the fact that the petitioner has been bona fide pursuing his remedy before this Court, the time granted for filing of the appeal can be condoned.

Accordingly, the application is disposed of by the following order:

Let the petitioner file an appeal assailing the order (Annexure-4) before the appropriate/competent authority of the Government within three weeks. If any such appeal is filed, the Appellate Authority will examine the same on its own merit and dispose of the appeal within two months of the filing. The order which the Appellate Authority shall pass should be communicated to the petitioner.

(Kishore Kumar Mandal, J)

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