

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21705 of 2012

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M/s Maa Sharda Industries, having its place of business at E.P.I.D., Hajipur through its Proprietor Amrendra Kumar Singh S/O Late Rameshwar Prasad Singh, Resident Of Village + P.O. Kohiyar, P.S. Desari, District Vaishali.

.... Petitioner

Versus

1. The Bihar Industrial Area Development Authority, Udyog Bhavan, East Gandhi Maidan, through the Managing Director, Patna.
2. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhavan, East Gandhi Maidan, Patna.
3. The Executive Director, Bihar Industrial Area Development Authority, Udyog Bhavan, East Gandhi Maidan, Patna.
4. The Area In-Charge, Bihar Industrial Area Development Authority, Hajipur, Vaishali.
5. M/s Food & Biotech Engineer Pvt. Ltd., accompany incorporated under the provisions of Companies Act having its Regd. Office At G-6, EPIP BIADA Industrial Area, Hajipur, through one of its Director Ravindra Prasad Singh.

.... Respondents

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Appearance :

For the Petitioner : Mr. Alok Kumar Agrawal, Advocate.
Ms. Anubhuti Modi, Advocate.

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-10-2016

The present writ petition has been filed for quashing the order dated 18.05.2011 issued vide memo no. 2600/D 361/PCC/08 dated 26.05.2011 under signature of the Managing Director, Bihar Industrial Area Development Authority whereby the allotment of land of the petitioner has been cancelled in most arbitrary manner without granting any opportunity of hearing to the petitioner by a non-speaking order; and for connected reliefs.

2. Learned counsel for the petitioner submits that the respondents ought to have considered the claim of the petitioner appropriately and granted relief as sought. In any event the impugned order dated 18.05.2011 is illegal and unsustainable. Learned counsel

for the petitioner relies on the various observations and directions as contained in the subsequent decision of a Division Bench of this Court in *Bihar Industrial Area Development Authority and Ors., vs. Deepak Paints Private Limited & Or., LPA No. 353 of 2008 and analogous cases*, and submits that the same has a direct bearing on the present matter.

3. None appears on behalf of the respondent-BIADA when the matter is called today.

4. Having regard to the nature of the grievance of the petitioner and the stand taken on the basis of the judgment of the Division Bench of this Court in LPA No. 353 of 2008 and analogous cases, the writ petition stands disposed of granting liberty to the petitioner to approach the respondent BIADA with an appropriate representation within a period of three weeks from today. If any such representation is filed within the stipulated period, the same shall be considered on its own merits and disposed of in accordance with law after grant of an opportunity of being heard and having regard to the decision of this Court in LPA No. 353 of 2008 and analogous cases, as relied upon by the petitioner. It is expected that the respondent BIADA will dispose of the matter expeditiously and without undue delay.

(Vikash Jain, J)

Md. Ibrarul/BT

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