

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2623 of 2015

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Prakash Jain & Anr

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Respondent/s : Mr. Sc1- M.K. Sinha

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

4 01-04-2016 Heard learned counsel for the petitioner and learned counsel
appearing for the BIADA.

The petitioner seeks quashing of order dated 10.12.2014 passed by respondent No.3 by which allotment of Plot/Shed No.C-20 in Industrial Area, Bhagalpur has been cancelled.

The petitioner submits that the lease was cancelled on non est ground, though the petitioner fulfilled all the requisite requirements necessary on his part.

It appears that there is an alternative statutory remedy before the respondent No.2, the Principal Secretary, Industries Department, Government of Bihar. The petitioner had in fact filed a representation, which is Annexure-11 to the writ application.

Having regard to the fact that there is statutory remedy before respondent No.2, this writ application is disposed of with a direction that the petitioner will file a fresh appeal before

respondent No.2 within a period of three weeks from today. On filing of appeal, the respondent No.2 would dispose of the same within three months from the date of its filing after giving due hearing to the petitioner.

In the meantime, the interim order dated 16.2.2015 passed by this Court, whereby the respondents have been restrained from leasing out the land to any person or company would continue till disposal of the appeal. It is made clear that the petitioner must cooperate in the proceeding before the Appellate Authority.

(Samarendra Pratap Singh, J)

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