

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10217 of 2013

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1. M/S Hina Enterprises Through Its Proprietor -- Sri Azaz Ahmad S/O -
Baharul Hoda At Konbalia, P.O. - Baghi, Via - Hari Nagar, District - West
Champaran Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary Bihar, Patna
2. Executive Director Bihar Industrial Area Development Authority,
Regional Office, Muzaffarpur
3. The Area Incharge Industrial Estate, Ramnagar, Bihar Industrial
Development Authority, Regional Office, Bela, Muzaffarpur
4. The Bihar State Industrial Area Development Authority R.K. Ashram
Muzaffarpur
5. The Director Bihar Industrial Development Authority, Patna
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate
For the BIADA : Mr. Kumar Priya Ranjan, Advocate
For the State : Mr. Anis Akhtar, AC to GA 1

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 12-02-2016 Heard Mr. Vishwajeet Kumar Mishra, learned counsel

for the petitioner, Mr. Kumar Priya Ranjan, learned counsel for the

Bihar Industrial Area Development Authority (for short BIADA),

as well as the State.

The petitioner asserts that in the year 2007 he was
allotted plot/ land within Ramnagar Industrial Area by the
respondent- BIADA for setting up of small scale industry. Certain
amount was also deposited by the petitioner but the plot/ land was
never measured and possession of the same was also not given to
him, therefore, he could not set up the industry. The subsequent
dues of the BIADA were also not paid. The writ petitioner prays
for direction upon the respondents to provide the details of dues

etc. enabling him to pay the same.

Learned counsel for the BIADA conversely states that there is nothing on the record placed by the petitioner that any lease deed was executed and registered between both the parties and possession of the plot/ land was given to the petitioner on 02.11.2007. Since the petitioner failed to set up industry and also failed to deposit the dues of the BIADA, the allotment was cancelled. He also submits that in such matters, where there is cancellation of allotment of plot/ land, an appeal can be filed before the Appellate Authority under section 6 (2) (a) of the Bihar Industrial Area Development Authority Act, 1974.

Without opining any view on the respective rival contentions of the parties, in my view, the writ petition deserves to be disposed of permitting the petitioner to approach the Appellate Authority/ forum for ventilation of his grievance, as raised in this writ petition. If any such application is filed, it is expected that the Appellate Authority/ forum shall examine and dispose of the same, in accordance with law, expeditiously.

(Kishore Kumar Mandal, J)

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