

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11473 of 2013

M/S Surya Automobiles Through Dr. Binay Kumar Son Of Late Sri Ram Nandan Prasad Singh Resident Of Surya Nagar, P.S.- Akauna Bazar, District- Nawadah

.... Petitioner/s

Versus

1. The State Of Bihar through Industrial Development Commissioner, Government of Bihar, Patna
2. The Industrial Development Commissioner, Government of Bihar, Patna
3. Bihar Industrial Area Development Authority Through Its Managing Director, First Floor, Udyog Bhawan, East Gandhi Maidan, Patna
4. The Managing Director, Bihar Industrial Area Development Authority, First Floor, Udyog Bhawan, East Gandhi Maidan, Patna
5. The Executive Director, Bihar Industrial Area Development Authority, First Floor, Udyog Bhawan, East Gandhi Maidan, Patna

.... Respondent/s

Appearance :

For the BIADA

Mr. Yashraj Bardhan

For the State

Mr. M.H.Quraishi, AC to SC 18

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 19-02-2016

Heard.

The petitioner was allotted, vide annexure-1, a plot/land in the industrial area for setting up an industry. As the petitioner failed to establish and make the industry operational, the respondent-BIADA issued notice and ultimately cancelled the allotment made in favour of the petitioner vide communication dated 02.07.2011 (Annexure-6). Assailing the aforesaid order, the present writ application is filed.

A counter affidavit on behalf of respondent nos. 1 and 2 has been filed.

Mr. Yashraj Bardhan, counsel for the respondent-BIADA submits that the order has been passed after issuing a show cause notice to the petitioner.

Against the cancellation of allotment of land, an appeal could have been preferred before the appellate authority i.e. the Principal Secretary, Department of Industries, Govt. of Bihar. The petitioner has not exhausted/invoked the said remedy.

Having regard to the submission of the respondent-BIADA as also considering the averments/pleadings on record, in my view, no relief against the impugned order can be granted to the petitioner as the petitioner has efficacious/statutory remedy of assailing the order before the appellate authority/forum.

The writ application is dismissed.

Needless to observe that if an appeal is preferred before the appellate forum/authority within 04 weeks, the appellate authority/forum shall consider and dispose of the same in accordance with law.

(Kishore Kumar Mandal, J)

HR/-

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