

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12100 of 2013

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Madhuri Sahi @ Madhuri Devi Daughter of Ram Nath Sahi Proprietor of M/S
Madhuri Arts WZ-105 Naraina, Village Police Station Narayana, New Delhi,
District New Delhi

.... Petitioner/s

Versus

1. The State Of Bihar through Director Industries Bihar Patna
2. The Managing Director, Bihar Industrial Area Development Authority Ist Floor
Udyog Bhawan, East Gandhi Maidan Patna, Police Station Gandhi Maidan, Patna,
District Patna
3. The Executive Director, Bihar Industrial Area Development Authority, Regional
Office, Bela Police Station Bela Muzaffarpur, District Muzaffarpur

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 03-03-2016

Heard the counsel for the petitioner and the State.

The petitioner was an applicant for allotment of plot/land in the industrial area for installation of an Industrial Unit. On consideration of the claim, plot no. M.S. 7, 8, measuring an area of 1000 sq. fit was allotted to the petitioner on 05.09.2011. The petitioner did not take step for setting up of the industry which propelled the BIADA to change the plot of the petitioner in order to adjust another applicant, who was willing to install the Unit and make it functional. This change in the plot was ordered by the Executive Director of the respondent BIADA vide order dated 24.04.2013 (Annexure-7) which has been assailed in the present writ petition.

It has been submitted that though the plot was allotted in the year 2009-2011, but actual physical possession was not given to

him. The counsel for the petitioner states that even if the change in the plot is allowed to be made, it apprehends that actual physical possession thereover shall not be given to the petitioner.

Mr. Lal conversely states that the change in the plot was necessitated, on account of the failure of the petitioner to install the industry, soon after allotment of the land. Secondly, the plot allotted to the petitioner is adjacent to the plot/land allotted to her husband.

This Court would not go into the said aspect of the matter. However, as apprehension has been raised by the petitioner that the possession of the plot allotted to the petitioner (Annexure-7) shall not be made over to the writ petitioner by the respondent BIADA. The application is disposed of by permitting the petitioner to file a representation, in this regard, before the Managing Director/Executive Director, BIADA to ensure that the petitioner is given possession over the plot which has been allotted by the order of the BIADA (Annexure-7), if not already given, within four weeks of such filing, at the rate/value at which, it was directed to be made over to the petitioner under Annexure-7.

The writ application stands disposed of with aforesaid directions/observation(s).

(Kishore Kumar Mandal, J)

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