

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20731 of 2013

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1. M/S Bhagwati Tiles And Marbles Through Its Sole Proprietor Shri Nilesh Kumar Lakhotia S/O Shri Nand Kumar Lakhautia Resident Of Shopping Complex, Hazarimal Dharamshala, Lal Bazar Bettiah, Police Station- Bettiah, District- West Champaran.

.... Petitioner/s

Versus

1. The State Of Bihar through The Principal Secretary Industrial Govt. Of Bihar, Patna.
2. The Managing Director, Bihar Industrial Area Development Authority, Muzaffarpur.
3. The Acting Director, Bihar Industrial Area Development Authority, Regional Office, Muzaffarpur.
4. The Development Officer, North Bihar, Industrial Area, Development Authority, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishore Mishra, Advocate.

For the Respondent/s : Mr. Prashant Pratap, Advocate.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 02-08-2016

Heard Mr. Brij Kishore Mishra for the petitioner and Mr. Prashant Pratap for the respondent –Bihar Industrial Area Development Authority (for short ‘the BIADA’).

The writ petition is preferred aggrieved by the order dated 17.07.2013 (Annexure-1) passed by the Managing Director of the BIADA cancelling the allotment of 0.75 acres of land within the

Industrial area made in favour of the petitioner firm.

The counsel for the petitioner submits that the respondents have passed the order in colourable exercise of the power. The case of the petitioner has been discriminated as even after solicited option from the petitioner vide communication dated 15.07.2010 (Annexure-13) one of the plots opted by the petitioner was not allotted whereas in the year 2012 vide Annexure-16 an industrial plot is allotted to the new applicant.

Mr. Pratap, appearing for the respondent-BIADA disputed the contentions of the petitioner. It is stated that the petitioner was again provided an option to select one of the plots available with the authority but no response from the petitioner in that regard was received. It has also been pointed out by him that the petitioner has statutory remedy of assailing the order before the Government in terms of Section 6 (2-a) of the Bihar Industrial Areas Development Authority Act, 1974 where all issues of facts and law can be raised for consideration.

On going through the relevant provisions, this Court finds that the petitioner has statutory remedy available to assail the order dated 17.7.2013 (Anenxure-1) and pray for grant of relief(s), as prayed, in the present writ petition.

In the circumstances, the Court, while declining the

relief, would grant liberty to the petitioner to assail the order within a period of four weeks before the appellate forum/authority and pray for the relief. The writ petition was lodged in this Court on 07.10.2013. The appeal to be filed by the petitioner may be barred by limitation. The petitioner would be at liberty to seek condonation of delay in filing the appeal at least for the period the petitioner had been bonafidely pursuing his remedy before this Court.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

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