

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.491 of 2017

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M/s Sanjeevani Enterprises, Plot C-10 Part Industrial Area Fatuha through its Proprietor Krishna Kumar, resident of village, Raipura, Kewaltar, Fatuha, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Industry Department, Govt. of Bihar, Patna.
2. The Bihar Industrial Development Authority, 1st Floor Udyog Bhawan, East Gandhi Maidan, Patna through its Managing Director.
3. The Managing Director, Bihar Industrial Development Authority (hereinafter referred to as "BIADA") 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
4. The Executive Director, BIADA, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Secretary, BIADA, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
6. The Development Officer, Fatuha Industrial Area, District- Patna.
7. The Area Officer, Fatuha Industrial Area, District- Patna.
8. M/S Shakambhari Agro Foods , Plot No. 10c, Part Industrial Area, Fatuha , District- Patna, through its Proprietor.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Kripa Nand Jha, Adv.

For the BIADA : Mr. Kumar Priya Ranjan, Adv.

For the State : Mr. Kinkar Kumar- S.C.-9

Mr. Rakesh Kumar Sharma, A.C. to S.C.-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-02-2017

Heard learned counsel for the petitioner, learned counsel for the Bihar Industrial Area Development Authority and learned counsel for the State.



2. In this case, the petitioner is challenging the action of the Bihar Industrial Area Development Authority (for short "*the BIADA*"), thereby the BIADA has allotted the Plot No.C-10 (part) to private respondent No.8-Shakambhari Agro Foods.

3. It appears from the record that at the initial stage the BIADA has allotted the aforesaid land to the petitioner for the establishment of the industry, but after establishment of the same, the industry could not flourish and ultimately the BIADA has cancelled the lease in the year 1997.

4. As per the claim of the petitioner the land is under his occupation and the petitioner has been asked to deposit the arrears of amount, but the counter affidavit shows otherwise. The petitioner has filed the appeal being Appeal No.26 of 2016 and has also filed supplementary grounds by way of Appeal No.28 of 2016 before the appellate authority.

5. As the matter is pending before the appellate authority this Court does not want to enter into the merits of the case. The appellate authority shall examine the case of the petitioner and pass appropriate orders in accordance with law after giving due notice to the petitioner.



6. Accordingly, this writ application stands disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	21.02.2017
Transmission Date	N/A.

