

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.390 of 2016

In

Civil Writ Jurisdiction Case No. 20731 of 2013

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M/s Bhagwati Tiles and Marbles through Its Sole Proprietor, Shri Nilesh Kumar Lakhota son of sri Nand Kumar Lakhauti, 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.

.... Respondents-opposite parties.

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Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra

For the Respondent- BIADA : Mr. Prasant Pratap

For the State : Mr. Sunil Kr.Mandal, SC-3

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL ORDER

4 11-01-2017 Heard Mr. Bashishtha Narayan Mishra for the petitioner and Mr. Prashant Pratap for the respondent-BIADA.

The review petitioner had filed CWJC No. 20731 of 2013 which was considered and dismissed with observation under order dated 02.08.2016. Aggrieved thereby the present Civil Review application has been filed by the writ petitioner.

Mr. Mishra drew attention of the Court to the statements made in paragraph nos. 10 and 11 of the review application in order to submit that the requisite for cancellation of allotment of the plot was not fulfilled, and as such, the



cancellation of allotment of the plot is bad in law. Referring to those facts, it is stated that the appeal would not lay before the appellate authority. Unquestionably, in the light of the said order, the petitioner has not preferred appeal before the appropriate/competent authority of the BIADA. Considering the above, it is submitted that the petitioner in the light of the said order would prefer appeal and if the same is rejected on the ground of being not maintainable as per the provisions of the Bihar Industrial Areas Development Authority Act, 1974 (for short 'the Act') he shall file a fresh writ application challenging the said order.

Mr. Pratap, on the other hand, has submitted that it is a case which is covered by Section 6(2-a) of the Act. The allotment of plot was made in 1998 and the petitioner was required to start the industry within one month. Having failed in doing so, the respondents have in the light of the rule provision passed the order cancelling allotment of the plot.

Be that as it may, considering the stand taken by Mr. Mishra, the counsel for the petitioner, as noticed above, the present review application is disposed of.

(Kishore Kumar Mandal, J)

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