

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3456 of 2017

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1. M/s Naturals Dairy (P) Ltd., a company registered under the Companies Act, 1956 having its registered office at 225, Ashoka Place, Exhibition Road, P.S.- Gandhi Maidan, Town and District Patna through its Managing Director Sri Hemant Kumar Das, son of Sri Awadhesh Kumar Das, Resident of 504, White House, Block-A, Budha Marg, P.S.- Kotwali, Town and District- Patna, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The Development Commissioner, Department of Industries, Government of Bihar, Patna.
4. The Bihar Industrial Area Development Authority (BIADA), through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
6. The Executive Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nikhil Kumar Agrawal,
Mr. Aditi Hansaria

For Respondent(BIADA) : Mr. Rajeev Ranjan Prasad
Mr. Sudhanshu Trividi,
Mr. Abhishek Singh,
Ms. Surabhi

For the State : Mr. Shiv Kumar, AC to GA 3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-03-2017

Heard the parties.

In the present writ petition, petitioner is not challenging the cancellation of allotment of the plot which was allotted to him by the Bihar Industrial Area Development Authority (hereinafter referred to as BIADA) for establishment of industry but he has



challenged the notification issued by BIADA by which BIADA has taken steps for fresh allotment which has given to the petitioner. Against order of cancellation appeal has been filed by the petitioner which is pending before the appellate authority.

From perusal of the record it appears that petitioner has not filed any application before the appellate authority for getting interim relief and straightway he has approached this Court challenging the notification. It is natural consequences in the event of cancellation allotment the BIADA would take action for fresh allotment.

In such view of the matter, petitioner is directed to move before the appellate authority for interim relief. If petitioner files an application before the appellate authority within a week from today, the appellate authority will be obliged to dispose of the interim application without any delay. If he has already filed, in that circumstances then the appellate authority will dispose of the same without any delay.

In the meantime, BIADA will not evict the petitioner or will not finally allot the land to third person till the final order passed by the appellate authority on the interim application/final adjudication of the appeal but if petitioner fails to file the application within a week from today this interim order will be



treated to have been withdrawn.

With the aforesaid observation and direction this writ
petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.3.2017
Transmission Date	NA

