

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.104 of 2016
IN
Civil Writ Jurisdiction Case No. 7052 of 2015**

- =====
1. M/s Uttam Pipes Pvt. Ltd. having its registered office at 46 Patliputra Colony, and its Factory Site at C-8, Patliputra Industrial Area, Patna, through its Director Rakesh Kumar Tiwary Son of Suresh Tiwary resident of 46, Patliputra Colony, P.S. - Patliputra, District - Patna - 800013.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner, Department of Industries, New Secretariat, Bailey Road, Patna.
2. The Chairman of Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna through its Chairman.
3. The Managing Director, Bihar Industrial Area Development Authority having its office at Udyog Bhawan, East Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority having its office at Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Regional Authority, Bihar Industrial Area Development Authority, Patliputra Industrial Area, Patna.
6. The District Magistrate cum Collector, Patna.
7. M/s Maya Foods and Drinks Private Ltd., Patliputra Industrial Area, Patna through its Managing Director.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sri Ram Kishore, Advocate
For the Respondent/s	:	Mr. Smt. Binita Singh, SC-28
		Mr. Siddharth Shankar Pandey, Advocate
For BIADA		Mr. Rajeev Ranjan Prasad, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-03-2017

Seeking exception to an order dated 1.9.2015 passed
by the learned Writ Court in C.W.J.C. No.7052 this appeal has been
filed under Clause-10 of the Letters Patent.

The Bihar Industrial Area Development Authority has



allotted certain plots to the private respondent M/s. Maya Foods and Drinks Pvt. Ltd. The said allotment made was challenged not only by the present appellant, but also by one M/s. Naturals Dairy Pvt. Ltd in C.W.J.C. No.1762 of 2015 and by a common order passed on 1.9.2015 dismissing the petition, this appeal by the petitioners in C.W.J.C. No.7052 of 2015.

In the lease granted to the petitioner and in the allotment made there was an access through a 30ft. wide road to the petitioner from a particular portion and, contending that due to allotment made to the private respondent, the approach and right to use this 30ft. wide road is curtailed, the writ petition was filed. The learned Writ Court found that apart from the fact that there is a delay in filing of the writ petition, the allotment was made way back in the year 2010, the learned Court found that in view of the fact that the 30ft. wide road ends in a dead end and due to activities of the anti-social elements a complaint was made by the Bihar Industrial Association and with a view to putting an end to the anti-social activities at the instance of the willing entrepreneur, the area was allotted. The learned Writ Court found that the issue was also considered in various writ petitions and finding there to be alternate access and the action taken on the basis of interest of the public involved, interference was not made. That apart, it was found that



the petitioner was also aware that the development in the matter of allotment to the private individual, it was made with the consensus of all concerned, on the basis of an agreement entered into in the late February, 2013 and, therefore, the objection could not be raised now after such a belated period of time. Further, finding that the allotment does not curtail the right to access of the petitioner to the 30 ft. wide road and the petitioner not found to be causing any prejudice, learned Writ Court dismissed the writ petition.

Taking note of all the factors which weighed with the learned Writ Court, we see no error in the order passed by the learned Writ Court warranting indulgence in the matter.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.03.2017
Transmission Date	N/A

