

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.548 of 2017

In

Civil Writ Jurisdiction Case No.13353 of 2014

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Upendra Kumar Singh, Son of Late Bhola Nath Singh, resident of Village-
Chintamanpur, P.S.- Pipra, District- East Champaran, presently residing at
Zenith Petrol Pump, C/o Prof. K.K. Singh, P.S.- Kazi Mohammadpur, Post-
Ramna, District- Muzaffarpur, Partner M/S Vaishali Shine Company.

... .. Appellant

Versus

1. The Chairman, Bihar Industrial Area Development Authority, East Gandhi Maidan, Patna.
2. The Managing Director, Bihar Industrial Area Development Authority, East Gandhi Maidan, Patna.
3. The Secretary, Bihar Industrial Area Development Authority, East Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority, Area Office, Muzaffarpur.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Prashant Sinha
For the Respondent/s : Mr. Kumar Priya Ranjan

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 26-04-2018

Heard counsel for the appellant and counsel for BIADA.

Since the allotment of the land was made in favour of a partnership firm and admittedly one of the partners died in the year 1999, therefore, the partnership firm stood dissolved. The second partner, who is still alive, cannot claim any benefit or right of continuance of the allotment of land because he has no legal status.

The learned single Judge in his order dated 20.02.2017 has also taken the factual aspect of the matter that the allotment of



the land to the unit was made way back in the year 1978, nothing came to be done on the said land, in the year 1991 the firm or the company was declared to be sick and thereafter death of one of the partners happened in the year 1999.

Obviously, since the lease in favour of the firm was not a permanent settlement made by BIADA for the benefit of any surviving partner or even in absence of the firm being alive, the learned single Judge has rightly dismissed the writ application being devoid of merit.

We do not find any infirmity with the order. Appeal stands dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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