

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.389 of 2019

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Santosh Kumar Jalan, aged about 54 years, Male, S/o Late Badri Prasad Jain, resident of Flat No.403, Om Complex, S.P. Verma Road, P.S.-Gandhi Maidan, District-Patna (Bihar).

... .. Petitioner/s

Versus

- 1.The State Of Bihar through Principal Secretary, Department of Industries, Government of Bihar, Patna.
- 2.The Principle Secretary, Department of Industries, Government of Bihar,Patna.
- 3.The Bihar Industrial Area Development Authority, 6th -7th Floor, Indira Bhawan, Ram Charita Singh Path, Bailey Road, Patna, through its Managing Director.
- 4.The Managing Director, Bihar Industrial Area Development Authority, 6th -7th Floor, Indira Bhawan, Ram Charita Singh Path, Bailey Road, Patna.
- 5.The Executive Director, Bihar Industrial Area Development Authority, 6th -7th Floor, Indira Bhawan, Ram Charita Singh Path, Bailey Road, Patna.
- 6.The In-Charge, Fatuha Industrial Area Development Authority, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Saket Tiwary, Adv.
For the BIADA	:	Kumar Abhimanyu Pratap, Adv.
For the Respondent/s	:	Mr.Ram Subhas Singh, AC to AAG-7

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 13-03-2019 This writ application has to be allowed on the solitary ground that the appellate authority in this case has heard the appeal and disposed it of without taking care of the fact that the impugned order was passed by him only. It is one of the grounds pleaded before this Court on behalf of the petitioner that the impugned order as contained in Annexure '2' dated 23.06.2007 was issued after approval of the then Managing Director of B.I.A.D.A. The then Managing Director of B.I.A.D.A, over a period became the Principal Secretary of the Department of



Industries, Government of Bihar. The appeal against the impugned order as contained in Annexure '2' to the writ application was placed before him, however, it appears that this aspect of the matter was either not pointed out to the appellate authority or it could not be taken care of. This Court will not go into the reasons thereof.

In view of the settled principles of law and the concept of impartial Tribunal being part of the principles of natural justice, this Court deems it just and proper to set-aside the impugned order. It is, set-aside, accordingly.

The Court has now been informed that the appellate authority presently in office may hear the appeal.

Let it be heard and disposed of within a period of 60 days from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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