

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2109 of 2019

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Satya Narain Prasad, aged about 75 years, Male, S/o Late Akal Sah, R/o Village- Saidpur, P.O.- Dumri, Via- Fatuha, District- Patna, Proprietor Metal Industry, Industrial Area, P.O. and P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Industry Department, Govt. of Bihar, Patna.
2. The Managing Director, B.I.A.D.A., Udyog Bhawan, East Gandhi Maidan, Patna.
3. The Development Officer, Bihar Industrial Area Development Authority, Udyog Bhawan, Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Assistant Development Officer, Bihar Industrial Area Development Authority, Industrial Area, P.O. and P.S.- Fatuha, District- Patna.
6. The Chief Accounts Officer, B.I.A.D.A., Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sriram Krishna, Adv.
For the State	:	Mr. Arun Kumar, AC to GP-1
For the BIADA	:	Mr. Kumar Abhimanyu Pratap, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-02-2019 Heard learned counsel for the petitioner and learned counsel representing the Bihar Industrial Area Development Authority.

Learned counsel for the petitioner at the outset submits that he is only looking for a sympathetic consideration by providing one opportunity to the petitioner to run the industry. No other issues based on any legal right or violation of any obligation on the part of the Bihar Industrial Area Development Authority (hereinafter referred to as the 'BIADA')



has been raised before this Court.

Learned counsel for the BIADA submits that no sympathetic consideration is required in the facts and circumstances of the present case where it would appear from reading of the order dated 18.11.2011 passed in CWJC No.18644 of 2011 that the allotment of the petitioner was cancelled in the year 1995, but the petitioner challenged the said order of cancellation directly before this Court after a period of 16 years. This Court still took a sympathetic view of the matter and gave liberty to the petitioner to file an appeal before Industrial Development Commissioner taking all points which should be available to him. The petitioner thereafter took 7 years to file an appeal before the Principal Secretary, Department of Industries. Learned counsel submits that there is no reason why a sympathetic view may be shown to the petitioner.

This Court fully agrees with the submissions on behalf of the BIADA in the given facts and circumstances of the present case where it appears that the cancellation of the allotment of plot took place in the year 1995 and thereafter the petitioner has always been negligent in seeking his remedy and despite the order dated 18.11.2011, which itself was passed after 16 years of cancellation, the petitioner took 7 years to file an



appeal, this Court, being a Constitutional Court, would not like to grant any relief to the petitioner applying the principles of equity.

The writ has, thus, no merit. It is dismissed.

(Rajeev Ranjan Prasad, J)

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