

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.370 of 2019

In

Civil Writ Jurisdiction Case No.431 of 2019

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M/s Pre Stress Concrete Poles Industrial Area, Purnea City through its proprietor Sri Narayan Saraf, aged about 69 years, Gender- Male, Son of Late Ramjeevan Prasad Saraf, Resident of Gulab Bagh, Purnea, Police Station- Sadar Thana, Purnea, District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Government of Bihar, Patna.
2. The Managing Director, Bihar Industrial Area Development Authority, Udhyog Bhawan, East Gandhi Maidan, Patna-4.
3. The Secretary, Bihar Industrial Area Development Authority, Udhyog Bhawan, East Gandhi Maidan, Patna-4.
4. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Barari, Bhagalpur.
5. The Area Incharge, Industrial Area, Maranga, Purnea.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar, Advocate Mr. Ranjan Kumar Singh, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha, A.A.G. 7 Mr. Rakesh Ambastha, AC to AAG 7
For BIADA		Mr. Kumar Priya Ranjan, Advocate Mr. Pallav, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 10-03-2021 This appeal is directed against the order dated 25.02.2019, passed in C.W.J.C. No. 431 of 2019, titled as M/s. Pre Stress Concrete Poles Vs. The State of Bihar & Ors., by a learned Single Judge of this Court.

Learned counsel for the appellant, after the matter



was heard for some time, finding the Court not finding favour with the submission made on behalf of the appellant, under instructions, seeks permission to withdraw the present appeal, enabling the appellant to take recourse to the remedy of exit policy, as per law.

At this point, Shri Kumar Priya Ranjan clarifies that since the allotment of plots already stands cancelled, the said remedy is not available to the appellant/petitioner.

Any which way, learned counsel for the appellant/petitioner, under instructions, seeks permission to withdraw the present appeal, taking chance of approaching the authorities for availing the benefit under the exit policy.

We clarify that we have not expressed any opinion on merits and it shall be open for the respondent BIADA to forthwith take over possession of the land and recover the amount of dues, if any, as arrears.

(Sanjay Karol, CJ)

(S. Kumar, J)

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