

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.443 of 2019

In

Civil Writ Jurisdiction Case No.19270 of 2017

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Usha Liquors through its Director Smt. Usha Sinha, aged about 65 years (Female), Wife of Dr. Amrendra Kumar Sinha, Surgeon, Imali Chatti, Main Road, P.O. Imali Chatti, P.S. Brahampura, District- Muzaffarpur- 842001.

... .. Appellant/s

Versus

1. The Bihar Industrial Development Authority through its Managing Director, Udyog Bhawan, East Gandhi Maidan, Patna-800001.
2. The Managing Director Bihar Industrial Area Development Authority, BIADA Udyog Bhawan, East Gandhi Maidan, Patna-800001.
3. The Director Bihar Industrial Area Development Authority, BIADA Udyog Bhawan, East Gandhi Maidan, Patna-800001.
4. The Executive Director BIADA, Regional Office, Bela Industrial Area, Bela Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Anil Kumar Singh, Advocate Mr. Surinder Kumar, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, A.G. Mr. Pankaj Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-01-2021

To begin with, this Court fully appreciates the manner in which the learned counsel rendered assistance in the just decision of the case.

Sri Anil Kumar Singh, learned Counsel for the appellant whom we found to be sound in law, exhibited extreme sobriety in making his submissions. Much that the Court may



desire, bound by law, despite persuasive submissions, no relief can be granted to the appellant.

It is a matter of record that the appellant's allotment for a plot by an Authority constituted under the provisions of Bihar Industrial Area Development Authority Act, 1974 stood cancelled in the year 2007. Importantly, appellant never laid any challenge to the same or protested such action of the Authority. It is only in the year 2017 that he filed a writ petition seeking quashing of such an action. The purported cause of action being rejection of his request for recalling the cancellation.

It is a matter of record that appellant was never put into possession of the plot. The cancellation took place as the property allotted stood mortgaged as *pari-passu*, and as a matter of policy decision, the Financial Institution had taken a decision of cancelling all allotments with an endeavour of reviving the Industrial units. Significantly, the appellant was only a subsequent purchaser not falling within the ambit and scope of such policy.

The learned Single Judge rightly dismissed the writ petition filed under Article 226 of the Constitution of India on the ground of the delay and laches. We do not find any error/perversity in the findings warranting interference with the



impugned order dated 1st March, 2019 passed in CWJC
No.19270 of 2017 titled as **Usha Liquors Vs. The Bihar
Industrial Development Authority & Ors.**

Hence, for all the aforesaid reasons, the present
appeal stands dismissed.

Interlocutory Application, if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

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CAV DATE	
Uploading Date	01.02.2021
Transmission Date	

