

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3742 of 2021

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M/s. Geeta Fibre Industries (Industrial Area Pandaul, Madhubani) represented through Ravi Ranjan Kumar, Gender- Male, aged about 37 years Son of Late Upendra Mallik, R/o Village- Ranipatti, P.O.- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Principal Secretary Department of Industries, Government of Bihar, Patna.
3. The Bihar Industrial Area Development Authority (BIADA) Through the Managing Director, Udyog Bhawan, Gandhi Maidan, Patna.
4. The Managing Director Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
5. District Magistrate Madhubani.
6. The Executive Director Bihar Industrial Area Development Authority (BIADA), Patna.
7. The Executive Director Bihar Industrial Area Development Authority (BIADA), Regional Office, Darbhanga.
8. The Area Incharge Industrial Estate- Pandaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate Mr. Rajesh Ranjan, Advocate
For the Respondent/s	:	Mr. Subhash Pd. Singh, GA-3 Mr. Pankaj Kr. Sinha, Advocate Mr. Devesh Shankaran, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 20-01-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.



2. The admitted case of the petitioner is that an industrial plot was allotted in the name of the petitioner's father in the year 1979. The petitioner's father died in 2019. In the meanwhile, Bihar Industrial Area Development Authority (for short BIADA) cancelled the allotment of the said plot by an order dated 16.08.2007. The said order was not challenged during the lifetime of the petitioner's father.

3. Nearly twelve years thereafter, the petitioner preferred an appeal before the Principal Secretary, Department of Industries giving rise to Appeal Case No. 41/2019, which has been dismissed by an order dated 24.07.2020. The said appellate order dated 24.07.2020, passed by the Principal Secretary and the order passed by the Managing Director, BIADA dated 16.08.2007 cancelling the allotment are under challenge in the present writ application.

4. Learned counsel appearing on behalf of the petitioner has submitted that neither the petitioner's father nor the petitioner was served any show cause notice prior to cancellation of allotment. He has submitted that, as a matter of fact, the petitioner's late father and the petitioner were completely unaware about cancellation of allotment. He contends that though all these points were taken before the



Appellate Authority, the Appellate Authority has rejected the appeal on the short ground of delay of 12 years in preferring the appeal.

5. We have carefully perused the impugned order passed by the Appellate Authority. From the said order, it transpires that a submission was made on behalf of the petitioner before the Appellate Authority that by the 'purported' show cause notice for proposed cancellation of allotment dated 11.07.2007 merely 15 days of time was allowed by BIADA to file reply instead of 30 days as mandated under Bihar Industrial Area Development Authority Act, 1974. Further, the show cause notice ought to have been sent through registered post with A/D, which is one of the mandatory requirement under the General Clauses Act, 1897, the petitioner contends.

6. From the order of the Appellate Authority it is thus apparent that the petitioner had not taken any plea of non-service of the show cause. The petitioner had rather taken a plea of irregular service of notice and less time given to him than prescribed under the provisions of the Act.

7. The appellate order does not reflect that the petitioner had taken any such point, which he is now taking in the present writ application.



8. In such view of the matter, dismissal of the appeal by the Appellate Authority on the ground of delay of 12 years cannot be said to be unjustified. Further, as the petitioner's father, who was the original allottee, chose not to challenge the order passed in 2007 cancelling allotment of the industrial plot during his life time, petitioner cannot be permitted, at this stage, to question the validity of such order of cancellation, in the facts and circumstances noted above.

9. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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