

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 811 of 2023

Janardan Sah @ Janardhan Sah Son of Late Vishun Sah Resident of Village
Bhaura Sikta P.S. Balthar District West Champaran (Bihar)

... .. Petitioner/s

Versus

1. State of Bihar Through its Principal Secretary Industries, Government of Bihar, Patna
2. The Secretary, Department of Industries, Govt. of Bihar, Patna.
3. Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan Patna through its Managing Director.
4. Managing Director, Bihar, Industrial Area Development Authority, Udyog Bhawan Gandhi Maidan, Patna.
5. Joint Managing Director, Bihar Industrial Area Development Authority Regional Office, Bela Muzaffarpur Cluster.
6. Deputy Managing Director (BIADA) Regional Office Bela Muzaffarpur, Cluster.
7. Development Officer, Regional office B.I.A.D.A. Regional Office Bela Muzaffarpur.
8. Executive Director, B.I.A.D.A. Regional Office Bela Muzaffarpur, Cluster.
9. Area Incharge, B.I.A.D.A., Industrial Area Raxaul Regional Office Bela Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Ojha, Adv.
For the BIADA	:	Mr. Devesh Shankaran, Adv.
For the State	:	Mr. Ashutosh Kumar Upadhyay, AC to SC 9

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 15-03-2023

1. The petitioner assails the order dated 15.11.2022, whereby the Plot no. N.S. 5- (Prt) area 2300 sq. ft. in Industrial Area Raxaul, East Champaran has been cancelled. It is stated that the cancellation order had been passed without



giving opportunity and without issuing show cause notice.

2. The learned counsel appearing for B.I.A.D.A. raises objection of alternate remedy of filing of a preliminary appeal in terms of **Section 6 (2) (a) and (b)** of the **B.I.A.D.A. Act 1974**.

3. The aforesaid provisions read as under :-

“6.(2) The Authority shall be responsible for planning, development and maintenance of the Industrial Area and amenities thereto and allotment of land or factory shed or building or parts of buildings, execution of lease, modification and cancellation of such allotment of lease, realization of fees rent charges and matters connected thereto.

(a) In case necessary effective steps are not taken within the fixed period to establish the Industry or all dues, rent, charges of the Authority have not been paid within time or unregistered product is manufactured or any construction contrary to the approved plan has been carried out or an activity injurious to industries has been engaged into; the Authority shall in such condition cancel the allotted plot/shed and also forfeit the amount deposited in this connection. The Authority shall before cancelling the allotment allow one month time to the allottee to put up his case. The allottee on being dissatisfied with the order of the Authority may file an Appeal to the State Government



within one month and the State Government shall, after due consideration dispose of within two months from the date of receipt of Appeal.

(b) The Authority shall, after cancellation of allotment of the Plot/shed take possession of the said Plot.”

4. In view of above provisions, it is apparent that the remedy of filing of an appeal exists which the petitioner has not availed. He is therefore directed to first file an appeal before the concerned Board. If such an appeal is preferred, the same shall be decided within a period of two months of the date of filing of the appeal. The appeal must be filled positively within a period of one month. If during the pendency of the appeal, the *status quo* relating to the property shall be maintained.

5. The writ petition is disposed of accordingly.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 14

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

