

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7501 of 2024

M/s Bhagwati Coke Industries Pvt. Ltd. a Private Limited Company having its Registered Office at Urmila Vila, Surya Mandir Road, P.S. Aurangabad, District Aurangabad and its Industrial Unit at M-2, Industrial Area, Aurangabad, through one of its Directors namely, Shyam Kishore Prasad, aged about 70 years, Male, Son of Late Dev Nandan Prasad, Resident of Urmila Vila, Surya Mandir Road, P.S. Aurangabad, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additonal Chief Secretary, Department of Industry, Government of Bihar, Patna.
2. The Additional Chief Secretary, Industrial Department-cum-Chairman and Managing Director, Bihar Industrial Area Development Authority (BIADA), Patna, Bihar.
3. The Bihar Area Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna, through its Chairman-cum-Managing Director.
4. The Joint Managing Director, Bihar Area Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
5. The Deputy General Manager, BIADA, Gaya Cluster, Gaya.
6. The Area Manager, Industrial Area, Aurangabad, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mohit Agarwal, Adv.
For BIADA	:	Mr. Gyan Shankar, Adv.
For the Respondent/s	:	Mr. Standing Counsel 5

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

- 2 10-05-2024 1. Even though the learned counsel for the petitioner has argued at length on the merits of the case, this Court is not inclined to admit the present writ petition and as the petitioner is having an alternative and efficacious remedy of filing an appeal before the Additional Chief Secretary under the BIADA Act.



2. Learned counsel for the petitioner has stated that the authorities are trying to take possession of the subject property and to that effect they have already been issued a notice to hand over the possession. Learned counsel for the petitioner states that in case this Court does not grant protection till the appeal is filed, the authorities may take physical possession of the subject property and the very purpose of filing the appeal will be defeated.

3. Having regard to the above made submissions, the present writ petition is disposed of granting liberty to file the statutory appeal by the concerned authority within a period of 14 days from today. On such appeal being filed, the same shall be dealt in accordance with law. Till such time the appeal is filed, the authorities are directed not to take any coercive steps pursuant to the order of cancellation. That in case the petitioner is so advised, he may file an Interlocutory Application seeking interim suspension of the order of cancellation and on such application being filed the authority concerned shall pass necessary orders before deciding the main appeal.

4. With the above directions, the writ petition



stands disposed of. The petitioner is entitled to raise all issues before the concerned authority and the authority shall deal with the said issues in accordance with law.

(A. Abhishek Reddy, J)

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