

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17926 of 2023

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M/s Deepak Paints Pvt. Ltd. Industrial Area, Patliputra, through its Managing Director Balraj Kapoor, aged about 77 years, Gender- Male, son of Late Pran Nath Kapoor, R/o 65, A.N Path, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Industries, Government of Bihar.
2. The Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna through its Managing Director.
3. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
4. The Joint Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
5. The Deputy General Manager, Bihar Industrial Area Development Authority (BIADA), BIADA Patna Cluster, Patliputra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gautam Kejriwal, Adv. Mr. Alok Kr. Jha, Adv. Mr. Mukund Kr, Adv. Mr. Akash Kr, Adv. Mr. Aditya Raman, Adv.
For the Respondent/s	:	Mr. Government Pleader 7

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

2 31-01-2024 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. That the period of limitation for filing the appeal expires on 03.02.2024 and counsel for the petitioner states that in case this Court does not grant any 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 10 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 the petitioner is so advised that he can file an Interlocutory Application seeking stay/suspension of the order of cancellation and the authority concerned shall pass necessary orders on the said application 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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