

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6344 of 2025

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M/S Satya Glass Industries, through its Proprietorship Kalyani Devi (Female), aged about 57 years, Wife of Late Binai Bhushan Tiwari @ Vinay Bhushan Tiwari, R/O Industrial Area Niranjapur, Buxar Plot No.D-13 and D-14, Police Station-Buxar (Industrial Area), District-Buxar.

... .. Petitioner/s

Versus

1. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, 1st Floor East Gandhi Maidan, Patna.
2. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Patna.
3. The Development Officer, Bihar Industrial Area Development Authority, Patna.
4. The Deputy General Manager, Bihar Industrial Area Development Authority, Industrial Area, Sikandarpur ,Bihta (BIADA, Bihta Cluster), Patna.
5. The Assistant Area Manager, Bihar Industrial Area Development Authority, (BIADA), Industrial Area Buxar, P.S. Buxar (Industrial Area), District Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nil Kamal, Advocate

For the Respondent/s : Ms.Prakritita Sharma, Advocate

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

2 21-04-2025 Learned counsel for the petitioner states that during pendency of the present writ petition, the authorities have passed an impugned order of cancellation dated 20.03.2025 contained as Annexure 'P/12', thereafter notice has been issued to the petitioner on 07.04.2025 granting him 14 days time to vacate the subject property.

2. Learned counsel for the petitioner stated that without granting ample opportunity to the petitioner to



approach the appellate court the authorities are trying to take possession of the subject property and allotment made to the third party. Learned counsel further states that in case possession is taken and allotment made to the third party the petitioner will be suffering great loss and the very purpose of filing the writ petition will be diffident. Learned counsel for the petitioner, therefore, prays the hon'ble Court to grant the petitioner some time to approach appellate authority and request filing of the appeal to safegaurd his interest.

3. Learned counsel for the respondent-BIADA has vehemently opposed the prayers made by the petitioner and stated that the petitioner instead of approaching the appellate authority has come to this Court by way of present writ petition. Learned counsel further states that the petitioner does not deserve any sympathy as he has violated the conditions of allotment and the order of cancellation was passed by the authorities in accordance with law.

4. Learned counsel prays to dismiss the present writ petition duly taking into consideration the facts that the impugned order of cancellation has been passed on 20.03.2025 and thereafter the notice dated 07.04.2025



bearing memo no. 303 was issued to the petitioner directing him to handover the possession within 14 days. Admittedly, as per the provisions of the act, the petitioner has 30 days for preferring a statutory appeal before the concerned authority.

5. Having regard to the above-mentioned facts and circumstances, this Court deems it proper and in the interest of justice to dispose of the present writ petition with a direction to the petitioner to approach the appellate authority within a period of 10 days from today once such appeal is being filed the same will be considered and necessary orders will be passed on merit. The physical possession of the petitioner shall not be disturbed till the passing of the appeal by the petitioner. In case the petitioner does not file the appeal within the stipulated time, the protection granted by this Court shall stand cancel and respondent-BIADA are directed to take necessary action in accordance with law. The petitioner is also free to file an interlocutory application seeking stay of the impugned order of cancellation dated 20.03.2025 and if any such application is made, the same will be considered by the



concerned authorities and necessary order be passed in
accordance with law.

6. With the above direction, this petition is
disposed of.

(A. Abhishek Reddy , J)

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