

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1050 of 2009

IN

Civil Writ Jurisdiction Case No. 14312 of 2007

- =====
1. The State of Bihar
 2. The Industrial Development Commissioner, Government of Bihar, Patna
- Appellant/s

Versus

1. M/S Maa Durga Enterprises C/o Kishan Sewa Kendra Kachhari Road, Begusarai, situated at Pandaul, Distirct Madhubani through its proprietor Rajesh Ratan Jyoti
2. The Bihar Industrial Area Development Authority through its Managing Director, Patna
3. The Managing Director, Bihar Industrial Area Development Authority, Patna
4. The Bihar Industrial Area Development Authority, Regional Office, Darbhanga through its Executive Director
5. The Executive Director, , Bihar Industrial Area Development Authority, Regional Office, Darbhanga
6. The Development Officer, , Bihar Industrial Area Development Authority, Regional Office, Darbhanga
7. The Bihar State Cooperative Marketing Union Limited (BISCOMAUN), West Gandhi Maidan, Patna through its Managing Director
8. The Managing Director, Bihar State Cooperative Marketing Union Limited (BISCOMAUN), West Gandhi Maidan, Patna
9. The Chief of Engineering Service, Bihar State Cooperative Marketing Union Limited (BISCOMAUN), Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gyan Shankar, AC to G.P.-6

For the Respondent No.1 : Mr. S.D. Sanjay, Sr. Advocate

For the BIADA : Mr. Lalit Kishore, Sr. Advocate

Mr. Piyush Lall, Advocate

For BISCOMAUN : Mr. Ishwari Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 30-03-2015

Heard learned counsel for the parties.

2. The State of Bihar has filed this appeal assailing

the order dated 24.09.2008 passed by learned Single Judge of



this Court in CWJC No. 14312 of 2007 whereunder State of Bihar has been directed to compensate the loss caused to the writ petitioner on account of arbitrary action of Bihar Industrial Area Development Authority (hereinafter referred to as the BIADA). It appears BIADA proceeded to seal the cold storage of the petitioner and the seizure of the cold storage continued for five days leading to damage of potato kept in the cold storage causing huge loss to the farmers who stored potato in the cold storage and were required to be compensated by its owner.

3. Learned counsel for the State submitted that from perusal of the impugned judgment itself it will appear that it was the arbitrary action of the authorities of BIADA and the State could not have been saddled with the amount of compensation to be paid to the cold storage owner.

4. BIADA being the statutory agency of the State and if any arbitrary action has been committed by the statutory agency of the State, in our opinion, learned Single Judge has rightly concluded that the compensation was payable to the cold storage owners from the coffers of the State. State is, however, at liberty to recover the amount of compensation paid either to the writ petitioner-cold storage or to the farmers from

BIADA.

5. With the aforesaid observation, the appeal is disposed of.

(V.N. Sinha, J.)

(Vikash Jain, J.)

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