

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17625 of 2011

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M/S Muzaffarpur Tyre Retrading Co. Industrial Estate, Bela, P.O. M.I.C., P.S. & District - Muzaffarpur through its, one of the partner namely Baj Kishore Kuar Resident of Sadhu Gandhi, Sheikhpur, Akhadaghat, P.O.-Sheikhpur, District Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Industries Department, Govt. of Bihar, New Secretariat, Patna
2. Bihar Industrial Area Development Authority, through its Managing Director Udyog Bhawan, East Gandhi Maidan, Patna
3. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna
4. Executive Director, Bihar Regional Development Authority, Industrial Estate, Bela District - Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Uma Kant Singh, Advocate
For the State : Mr. Shankar Kumar, AC to AAG15
For the BIADA : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-10-2015

The present writ petition has been filed for setting aside the order dated 25.04.2011 passed by the Principal Secretary, Industries Department, Bihar, Patna in Appeal No. 15 of 2010 affirming the office order vide Memo No. 2060 dated 20.09.2007 by which the lease of land allotted to the petitioner's industrial unit was cancelled.

2. It is submitted on behalf of the petitioner that the land in question had been leased to the petitioner and registered in the year 1981 after which the petitioner's industrial unit started

production but for various reasons, production stopped and the unit became sick. It is submitted that the petitioner's case is squarely covered by a decision of the Hon'ble Division Bench of this Court dated 18.03.2015 in LPA No.353 of 2008 [Bihar Industrial Area Development Authority & others Vs. Deepak Paints Pvt. Ltd & others] and analogous cases.

3. Learned counsel for the State appears and has been heard.

4. None had appeared on behalf of the respondent-BIADA on 13.10.2015 and 14.10.2015 when the matter was called. As such, the matter was passed over. However, once again none is present on its behalf when the matter is called today.

5. Having regard to the entirety of the facts and circumstances of the case, this Court is satisfied that the case of the petitioner is well covered by the aforesaid decision of the Hon'ble Division Bench.

6. In the above view of the matter, the impugned office order vide Memo No. 2060 dated 20.09.2007 and the order dated 25.04.2011 passed in Appeal No. 15 of 2010 are hereby set aside and the writ petition is disposed of on the same terms and in line with the decision of the Hon'ble Division Bench of this Court dated 18.03.2015 in LPA No.353 of 2008 and analogous cases. The

petitioner is at liberty to approach the respondent-BIADA with a fresh representation within a period of three weeks from the date of receipt/production of a copy of this judgment. In case such a representation is filed by the petitioner, the same shall be considered and disposed of by a speaking order in accordance with law expeditiously keeping in view the observations and directions in the aforesaid letters patent appeals.

(Vikash Jain, J)

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