

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5686 of 2009

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M/S Jai Ambe Industries , Plot No.44, Part Industrial Area Phase II Bela,
Police Station-Bela, District- Muzaffarpur through its Partner Ghanshyam
Das

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary-cum- Industrial Development Commissioner, Industrial
Department, Govt. of Bihar, New Secretariat, Patna
3. The Bihar Industrial Area Development Authority, Udyog Bhawan,
East Gandhi Maidan, Patna through its Managing Director
4. The Managing Director, Bihar Industrial Area Development
Authority, Udyog Bhawan, East Gandhi Maidan, Patna
5. The Executive Officer/Director, Regional Office, Industrial Estate
Bela, Police Station-Bela, District- Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dr.Alok Kumar 'Alok'
Mr. Sunil Kr.Shrivastava

For the Respondent/s : Mr. Lalit Kishore

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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5 07-05-2015 In the present writ petition, the petitioner, who was

allotted plot in industrial area, has prayed for quashing of an order
dated 20.11.2008 passed by Respondent no.2 as well as order
dated 08.02.2008 passed by Respondent no.5. By the impugned
order, the allotment of plot in question was cancelled.

It has been pleaded that in identical situation, number
of writ petitions were filed assailing such orders, which were
allowed by a Single Bench of this Court. Subsequently an appeal
was filed, which was disposed of on 18.03.2015 vide L.P.A.

No.353 of 2008 and other connected appeals. A Division Bench of this Court without interfering with the order of the Single Bench has disposed of appeals with certain modification. Those modifications are quoted herein below:

- (A) “The orders of cancellation of leases or allotment of the land to the respondents herein shall stand set aside, but they are given six months time from today either to establish the industries, wherever they are not established or to revive the industries, if they were already established, but have become sick.
- (B) If any of the respondents, i.e. the writ petitioners, intend to go for diversification, any application in that behalf shall be made within two months from today. The concerned authority shall take decision in one month thereafter. If permission for diversification is granted, reasonable time shall be granted by the concerned authority, for establishment or modification.
- (C) In default, i.e. if industry is not established or the closed one is not revived within the stipulated time, it shall be open to the authorities to resume the land for further allotment by inviting applications from the intending entrepreneurs, but not through individual allotments.

Such of the respondents who have either established the industries or have restarted the closed ones during the pendency of these appeals need not taken any steps

If any factors intervene for delayed commencement of production, it shall be open for the entrepreneurs to seek extension of time from the concerned authority.”

Sri Pyush Lall, learned counsel, who appears on behalf of Respondent nos. 2 to 5 /Bihar Industrial Area Development Authority accepts that the matter has already been set at rest by a Bench of this Court in L.P.A.

Accordingly, without going into detail, the Court proposes to dispose of the present writ petition in terms of order dated 18.03.2015 passed in L.P.A. No.353 of 2008 and other connected appeals. This writ petition stands disposed of in same terms

(Rakesh Kumar, J)

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