

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1965 of 2015

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1. M/s Green Leather Industries, Industrial Area Muzaffarpur through its Proprietor Md. Sahid, C-24, Industrial Area, Bela, Muzaffarpur, Bihar and Proprietor residing at Maripur Chitraguptapuri Road, P.O. - H.P.O. P.S. - Kazi Mohammadpur, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal secretary, Department of Industry, Vikash Bhawan, Baily Road, Bihar, Patna.
2. Bihar Industrial Area Development Authority through its Secretary, Udyog Bhawan, Gandhi Maidan, Patna.
3. The Managing Director, BIADA, Udyog Bhawan, Gandhi Maidan, Patna.
4. The Executive Director, BIADA, Regional Office, Muzaffarpur. null null
5. The Development Officer, Regional Office, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukul Prasad, Adv.
Mr. Anirudh Kumar Singh, Adv.

For the Respondent/s : Mr. M.K. Ambastha, G.P.14
Mr. Tripurari Nath Ambastha, A.C. to G.P.14

For the BIADA : Mr. Girijesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-06-2016

Heard Mr. Mukul Prasad, learned counsel for the petitioner, Mr. Girijesh Kumar learned counsel appearing for the Bihar Industrial Area Development Authority (hereinafter referred to as the 'BIADA') and its authorities as well as the counsel for the State.

The petitioner is aggrieved by the order dated 25.8.2014 whereby the petitioner has been communicated that the allotment made in favour of the petitioner is for a period of 30 years.

The facts are not in dispute rather the admitted position is that



the allotment of plot No.C-24 was made in favour of the petitioner vide order of allotment dated 12.12.1995 for a period of 30 years. A further allotment of 0.39 acres in favour of the petitioner was again made by order dated 29.9.1999 which was for a period of 90 years. The allotment was made in respect of plots situated within the industrial area at Muzaffarpur. The petitioner surrendered 1 acre from the total allotment of 2.39 acres on 30.10.2013 and prayed for refund of the proportionate amount so deposited by the petitioner which has since also been paid to the petitioner and is not in dispute. The dispute raised by the petitioner is relying upon the agreement present at Annexure-2 series and in reference where to the petitioner claims that since the agreement was a period of 90 years hence he is entitled to some further amount of refund.

Mr. Girijesh Kumar learned counsel appearing for 'BIADA' while responding to the arguments of Mr. Mukul Prasad appearing for the petitioner has referred to the allotment orders present at Annexure-1 series to submit that while the allotment of 2 acres of land was for a period of 30 years, in so far as the second allotment of 0.39 acres is concerned, it was for a period of 90 years but whatsoever refund the petitioner was found entitled to, has been paid to him without any objection being raised by the petitioner. He submits that the reliance upon the bond of agreement present at Annexure-2 series which

relates to a period of 90 years is misplaced since the allotment would be guided as per the allotment order and which clearly specifies the period of 30 years in so far as the plot of 2 acres is concerned as is manifest from the allotment order present at Annexure-1.

Having heard learned counsel for the parties and having perused the records, in my opinion the grievance raised by the petitioner is misconceived considering the stipulations present in the allotment order issued on 12.12.1995 present at Annexure-1 which specifically makes the allotment of the said 2 acres of land bearing Plot No. C-24 which is put to consideration in the present case for a period of 30 years. In such admitted circumstances there is no infirmity in the calculation made by the authorities of the ‘BIADA’ in determining the amount to be refunded to the petitioner on the surrender of the land.

No cause for indulgence is made out. The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Bibhash/-

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CAV DATE	
Uploading Date	5-7-16
Transmission Date	