

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13681 of 2013**

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1. M/S Ongkar Engineering Works Prop. Arun Kumar Resident Of Village-  
Kashmirichak, P.S.- Noor Sarai, District- Nalanda

.... .... Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary Industries  
Department, Govt. Of Bihar, Patna
2. The Managing Director, Bihar Industrial Area Development Authority,  
Udyog Bhawan, East Gandhi Maidan, Patna -800004
3. The Executive Director, Bihar Industrial Area Development Authority,  
Udyog Bhawan, East Gandhi Maidan, Patna-800004
4. The Regional Incharge Of Industrial Area, Bihar Sharif, District- Nalanda

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : None  
For the BIADA : Mr. Piyush Lal  
For the State : None

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

2 15-03-2016

Heard

The petitioner was allotted plot no. E-1, measuring an area of 6000 Sq. ft. in the industrial area, Bihar Sharif, on certain conditions by the Bihar Industrial Area Development Authority ( for short 'the BIADA'). Certain amounts was deposited by the petitioner with BIADA. However, even on request or demand the petitioner defaulted in paying the evaluated cost of pre-existing structure and machinery on the allotted land. In this background, the respondent BIADA cancelled the allotment of the land made in favour of the petitioner vide order dated 21.12.2009 (Annexure-4). The aforesaid order passed by

the Executive Director of BIADA was appealed against before the Principal Secretary, Industries Department, Govt. of Bihar. After hearing both sides, the appellate authority concurred with the order passed by the Executive Director holding that adequate opportunity was given/granted to the petitioner to deposit the amount as demanded/requested by the respondent BIADA. The said order of the appellate authority dated 12.2.2011 is assailed in this Court by filing the present writ petition which was instituted on 17.7.2013.

This Court is in agreement with the submission of Mr. Lal, the counsel for the BIADA that the application as such has become infructuous as even during the pendency of this application, the petitioner defaulted in paying the amount of the respondent- BIADA. He is right in his contention that the petitioner lost interest in pursuing the present application.

The writ application is dismissed.

**(Kishore Kumar Mandal, J)**

Shyam/-

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