

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.561 of 2016

IN

Civil Writ Jurisdiction Case No. 10711 of 2011

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Mrs. Arti Mishra, daughter of Late Madhukant Mishra, Resident of Kumalya, Ram Jaipal Singh Path, Near B.R. Ambedkar Dental College, Bailey Road, Patna.

.... Appellant / Petitioner

Versus

1. Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna through its Executive Director.
2. M/S Institute of Chartered Accountant of India, through Arun Kumar, Chairman of Its Patna Branch, 309, Jagat Trade Centre, Fraser Road, Patna.
3. The State of Bihar through the Principal Secretary, Department of Industries, Bihar, Patna.

.... Respondents / Respondents.

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Appearance:

For the Appellant/s : Mr. Kamal Nayan Chaubey, Sr. Advocate &
Mr. Kunal Tiwary, Advocate.

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 20-11-2017

Heard learned Senior Counsel for the appellant.

2. Writ Application of the appellant seeking a direction upon BIADA to allow her a plot of land measuring 19500 sq. ft. after cancelling the allotment made in favour of the Institute of Chartered Accountants of India came to be dismissed by the learned single Judge. Aggrieved by the said decision, Appeal has been preferred.

3. It is clarified that the piece and parcel of land which has been allotted to the Institute of Chartered Accountants of India is an additional piece and parcel of land which this appellant has been



eyeing and has no legal right to demand or claim. No doubt, the appellant was the auction-purchaser of a piece and parcel of land earlier from BISCICO along with plant, machinery and tools thereon and a Memorandum of Understanding was entered with BISCICO. That was in the year 2004. From 2004 till date, this appellant has not set up any kind of plant and machinery for any industrial production till date but she wants through this appeal allotment of yet another piece and parcel of land which has been made in favour of the Institute of Chartered Accountants of India.

4. The whole argument made by the learned Senior Counsel on behalf of the appellant is that the fault lies with the respondent authorities, especially the BIADA. Since they did not register the piece and parcel of land, the appellant could not use the property or beget loans etc. against the land and the industry could not be set up at the pace at which it was expected.

5. Such story is not required to be accepted on the face value because if any entrepreneur is dynamic and interested in setting up an industry, he will not sit over a piece and parcel of land already allotted to him and not put up any infrastructure worth the name and keep eyeing another piece and parcel of land adjoining to the said plot in hope of setting up a mega industry. They are a confused lot and they have been procrastinating ever since the allotment was made in



the year 2004. Keeping in mind that industrial land are much in demand and since there are entrepreneurs who are willing to set up industry or units on the land they have auction-purchased. The appellant cannot be allowed to corner a large piece of land and not utilize it for industrialization at the mere asking.

6. We are of the view that the appellant has no legal right to demand or beget any direction upon BIADA for the piece and parcel of land which has been allowed to the Institute of Chartered Accountants of India. No interference, therefore, is warranted with the order of the learned single Judge which is a rather detailed and well considered order where other facets as well have been dealt with and answered.

7. The failure has been on the part of the appellant, therefore, no interference is warranted with the order of the learned single Judge.

8. Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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