

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20228 of 2016

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1. M/s Madhu Chemicals through it's Proprietor Rajesh Kumar Gupta, Son of Dr. Ramesh Kumar Gupta, R/o 1st Floor, Leela Place, Mir Abbu Saleh Road, Near Tulsi Market, Gaya, P.S. Kotwali, District - Gaya (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industries Department, Bihar, Patna
2. The Principal Secretary Industries Department, Bihar, Patna
3. The Bihar Industrial Area Development Authority, First Floor Udyog Bhawan, East Gandhi Maidan, Patna - 800 004 through it's Managing Director, 1st Floor Udyog Bhawan, Gandhi Maidan, Patna
4. The Managing Director, Bihar Industrial Area Development Authority, 1st Floor Udyog Bhawan, Gandhi Maidan, Patna
5. Executive Director, Bihar Industrial Area Development Authority, Head Office, (Patna Region) 1st Floor Udyog Bhawan, Patna
6. Development Officer, Bihar Industrial Area Development Authority, Patna
7. The Area Incharge, Gaya Patna Region, B.I.A.D.A.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajan Prasad
For the BIADA : Mr. Kumar Priya Ranjan
For the State : Mr. Kinkar Kumar SC-9
Mr. Yogesh Kumar, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-03-2017

Heard the parties.

In the present writ petition, petitioner is challenging the order of cancellation of allotment of plot, made in his favour by the Bihar Industrial Area Development Authority (hereinafter referred to as the BIADA).

Petitioner is aggrieved by the order dated 1.10.2015 of the Executive, BIADA by which he has cancelled the allotment of



the plot of land which has been allotted to him for establishment of Bleaching Powder Factory, at Industrial Area, Gaya.

Against the aforesaid order, petitioner approached to the Principal Secretary, BIADA, the Appellate Authority, numbered as Appeal No.47 of 2015, the Appellate Authority did not find any illegality in the order, thereby affirmed the order passed by the Managing Director.

In the present case the petitioner had applied for the land for establishment of Bleaching Powder Factory. The allotment was made in the year 2007 but till today he has done nothing except construction of small building along with boundary wall. It appears from the findings of the appellate authority, he has illegally diverted the business, started running the business of water packaging which is against the aims and object of allotment of plot of land as was/is meant for establishment of factory would generate employment for local people.

Learned counsel for the petitioner submits that petitioner has taken all efforts to establish factory and start the production of Bleaching Powder but failed to establish on account of the fact, the land was earlier allotted to M/s Bharat Brickets was not released nor till date the BIADA has not executed lease deed in favour of the petitioner on that account petitioner failed to



mobilize financial resources whereas learned counsel for BIADA submits that for the execution of lease deed the petitioner has to complete certain formalities such as deposit of money and submission of certain essential papers. It has been submitted that time to time the petitioner was asked to remove the defects and comply the direction which is essential but he has not come forward to complete the formalities. Unless the petitioner completes such formalities, BIADA would not able to execute lease deed which has been seriously disputed by the learned counsel for the petitioner. He submits that so far money part is concerned he has already deposited and is ready to complete the other formality. Further states, for establishment of factory and commercial production, is not possible unless the petitioner receives financial assistance from some financial Institution, for that he is required lease deed.

In such view of the matter, petitioner is directed to approach before the Executive Director, BIADA within two weeks from today, Executive Director, BIADA will be obliged to take decision by passing reasoned order after giving proper opportunity to the petitioner and if it is found that petitioner has completed all formalities or still some defects are lying with respect to execution of lease deed, the Executive Director would



give reasonable time for removing the defects and on completion of formalities if the petitioner completes formality within the time prescribed in such circumstances the Executive Director, BIADA will be obliged to see the execution of lease deed of land in favour of the petitioner. If the petitioner fails to start the commercial production of Bleaching Powder from six months from the date of execution lease deed in such circumstances the BIADA will be at liberty to take action in accordance with law. Till then the order passed by the Executive Director. BIADA dated 1.10.2015 is kept in abeyance. But if the petitioner would fail to start the production of Bleaching Power within the time framed aforesaid this order will be treated to have been withdrawn. But one thing is clear that Executive Director must see in case the petitioner has removed the defects and completed all formalities, the Executive Director will ensure execution of lease deed in favour of petitioner.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.3.2017
Transmission Date	NA

(Shivaji Pandey, J)

