

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5944 of 2019

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M/s Muzaffarpur Tyre Retarding Co. Industrial Estate Bela, P.O. MIC, P.S. and Distt.- Muzaffarpur through its one of the Partner namely Braj Kishore Kunwar (Male), age about 68 years, S/o Late Parmeshwar Kunwar, Resident of Jaya Chiraila, P.s.- Chiraila, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industries Department, Govt. of Bihar, New Secretariat, Patna
2. Bihar Industrial Area Development Authority through its M.D. Udyog Bhawan, East Gandhi Maidan, Patna
3. The Managing Director Bihar Industrial Area Development Authority Udyog Bhawan, East Gandhi Maidan, Patna
4. Executive Director Bihar Regional Development Authority, Industrial Estate, Bela, Distt.- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Atul Kumar Pandey, Advocate
For the BIADA	: Mr. Pankaj Kumar Sinha, Advocate
For the State	: Mr. Kinkar Kumar (SC-9)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-12-2019 Heard the parties.

The petitioner has challenged the order dated 21.08.2018 passed by the Managing Director of Bihar Industrial Area Development Authority (BIADA in short), Muzaffarpur whereby the allotted shade to the petitioner covering an area of 1440 sqft has been cancelled and the security amount has been forfeited as also against the order dated 07.12.2018 passed in Appeal Case No.



17 of 2018 by the Principal Secretary, Department of Industries, whereby the order passed by the Managing Director, BIADA, referred to above, has been upheld.

It appears that the shade/land in question was allotted to the petitioner in the year 1981 for the purposes of setting up a unit for re-treading cycle tyres. Till about 2007, when no attempt was made by the petitioner to set up any such industry, the allotment was cancelled. The appeal preferred by the petitioner on that occasion also was dismissed. This led the petitioner to approach this Court vide C.W.J.C. No. 17625 of 2011 wherein by order dated 15.10.2015, the petitioner was permitted to make a representation before the BIADA and seek an extension of time for setting up the industry. This order was passed, keeping in mind an order passed by a Division Bench in the case of ***Bihar Industrial Area Development Authority versus Deepak Paints & Ors in L.P.A. No. 353 of 2008*** and other analogous cases, where the Division Bench of this



Court had taken note of the deteriorating commercial situation in the State of Bihar. In that background, it was found that a stringent view ought not to have been taken by the Managing Director of BIADA as also the Secretary of the Industries in his capacity as an appellate authority.

In obedience to the aforesaid order passed by this Court on 15.10.2015, a further opportunity was given to the petitioner by the BIADA for setting up the industry. Again, the petitioner did not show any initiative but only approached the BIADA for changing the name of the firm. This kind of tactics and subterfuge was adopted by the petitioner continuously. For several number of times, the petitioner approached the BIADA for change of the name of the manufacturing unit. However, till date, i.e. before the order of cancellation of the allotment was passed, nothing concrete was done by the petitioner.

The purpose of allotting land by the BIADA is to



encourage industrialization. It cannot be countenanced that the allottees shall not use the allotted land/shade and would continue changing his idea of setting up any unit. Considering these aspects of the matter and noting in detail the number of times that the petitioner had approached the BIADA with different proposals, the BIADA in this instance did not find it expedient to accept the plea of the petitioner and cancelled the allotment which was made in favour of the petitioner in the year 1981.

The appeal preferred by the petitioner against the aforesaid order, as noted above, has also been dismissed.

Learned counsel for the petitioner submits that only some time before the cancellation of the allotment, the petitioner had taken steps to start the unit and had also got the land filled-up with mud. He has also submitted, though without any proof, that a shade also has been erected.



All these grounds only demonstrate that the petitioner has been a non-starter in his approach.

As opposed to the aforesaid contention, learned counsel appearing for the respondent Nos. 2 to 4 has listed the number of times the petitioner had made a request for extension of time on one pretext or other and has also brought on record the fact that after cancellation of the allotted land/shade to the petitioner, the same has been allotted now to another investor/entrepreneur.

In such view of the matter, this Court does not deem it appropriate to make any interference in the order passed by the Managing Director, BIADA as also with the order passed by the appellate authority.

There is no merit in the petition and it is dismissed accordingly.

(Ashutosh Kumar, J)

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