

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.282 of 2019

In

Civil Writ Jurisdiction Case No.1154 of 2019

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M/s. Vaishno Tiles Industry Pvt. Ltd. through its Proprietor Radha Devi (Female), aged about 38 years, Wife of Late Manish Kumar, Resident of Mohalla- Pragati Nagar Colony, Ward No. 30, South of D.M. Residence, Police Station- Madhubani Town in the District of Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industry, Government of Bihar, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority, Darbhanga, Bihar.
5. The Development Officer, Donar Industrial Area, Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s :	Mr.Bhubneshwar Prasad, Adv.
For the Respondent/s :	Mr.Lalit Kishore Sr. Adv. (A.G.)
:	Mr. Pankaj Kumar Singh, Adv.
:	Mr. Devesh Shankaran, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 03-02-2021

Heard the parties.

Being aggrieved by judgement and order dated 16.01.2019 passed in C.W.J.C. No. 1154 of 2019 passed by learned Single Judge of this Hon'ble Court dismissing the writ petition, appellant/petitioner has preferred this L.P.A.



Briefly stated, the facts of the case is that husband of the appellant/petitioner Manish Kumar applied for allotment of a piece of land in Donar Industrial Area, Darbhanga for setting up tiles industry in the name and style of M/s Vaishno Tiles and after completing all formalities a piece of land measuring 20 decimals, Plot No. 14 A was allotted and the possession over the allotted land was handed over on 28.12.2001 and thereafter earth was filled and 7-8 lacs investment was made for setting up tiles industry and all the instalments due to the BIADA was deposited and last of such instalments was deposited on 22.08.2014 and production was also commenced.

A show cause notice dated 10.02.2016 was served upon appellant/petitioner as to why allotment of the land be not cancelled, against which appellant/petitioner submitted his reply dated 09.03.2016, however, it is submitted that allotment order was cancelled vide memo no. 1359 dated 21.11.2017.

Appellant/petitioner filed appeal before Principal Secretary, Department of Industry, Government of Bihar, Patna (respondent no. 2) who allowed the appeal with condition that the appellant/petitioner should submit bank guarantee of Rs. 3 lacs for a period of two years, however, appellant/petitioner was unable to fulfil such conditions and filed writ petition being



C.W.J.C. No. 1154 of 2019 for setting aside the condition imposed by the appellate authority which was disposed of by order dated 16.01.2019 modifying the order of the appellate authority to submit bank guarantee of Rs. 3 lacs to Rs. 1 lacs for a period of two years alongwith an affidavit that petitioner shall start commercial production from the unit in question within three months from the date of issuance of order restoring the allotment of plot to the appellant/petitioner.

Learned Single Judge disposed of the writ petition with following modification in the order passed by the appellate authority:-

“Thus, this application is also disposed of by modifying the order of the appellate authority to the extent that in case the petitioner clear the pending dues, if any, of ‘BIADA’ with interest, submit an irrevocable Bank guarantee of Rs. 1 lakh valid for a period of two years along with an affidavit that the petitioner shall start commercial production from the unit in question within three months from the date of issuance of the order restoring the allotment of plot to the petitioner by the Managing Director, BIADA, he will be wholly within his right to continue with the allotment of the plot in question.

If the aforesaid compliance are made within a period of three weeks from today, ‘BIADA’ shall restore the allotment within one week thereafter and the petitioner will be allowed to come in commercial



production within next three months. Failure of the petitioner to abide by any of the conditions aforesaid within the prescribed period and non-compliance with the undertaking given in the affidavit would entitle ‘BIADA’ to re-possess the land in question and take other appropriate measures for recovery of the outstanding dues and other costs.

This writ application stands disposed of accordingly.”

This Court does not find any error or infirmity in the order passed by the learned Single Judge requiring any interference by this Court, accordingly this L.P.A. is dismissed

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2021
Transmission Date	NA

