

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.368 of 2019

In

Civil Writ Jurisdiction Case No.2109 of 2019

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Satya Narain Prasad son of Late Akal Sah Resident of Village- Saidpur, P.O.-
Dumri, Via- Fatuha, District- Patna, Proprietor Metal Industry, Industrial
Area, P.O. and P.S.- Fatuha, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Industry Department Govt.
of Bihar, Patna
2. The Managing Director, B.I.A.D.A., Udyog Bhawan, East Gandhi Maidan,
Patna
3. The Development Officer, Bihar Industrial Area Development Authority,
Udyog Bhawan, Gandhi Maidan, Patna
4. The Executive Director, Bihar Industrial Area Development Authority,
Udyog Bhawan, East Gandhi Maidan, Patna
5. The Assistant Development Officer, Bihar Industrial Area Development
Authority, Industrial Area, P.O. and P.S.-Fatuha, District-Patna
6. The Chief Accounts Officer, B.I.A.D.A., Patna.

... .. Respondent/s

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Appearance :

For the Appellant: Mr. Kulanand Jha, Advocate

For the State : Mr. AAG-7

For the BIADA : Mr. Lalit Kishore, A.G

Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 19-02-2021

Heard the parties.

Aggrieved by judgment and order dated 04.02.2019

passed by the learned Single Judge of this Hon'ble Court



dismissing the writ petition the present L.P.A. has been filed for setting aside the judgment and order dated 04.02.2019 passed by learned Single Judge.

Briefly stated the facts of the case is that appellant was allotted "A" type shade vide letter bearing no. 387 dated 03.07.1979 on lease for a period of 99 years for the production of aluminium utensils and physical possession was handed over vide memo dated 17.10.1979. Several letters and reminder letters were given to the unit but the unit neither started production nor paid outstanding dues and a show cause notice was issued vide letter dated 21.11.1994 which remained unanswered as such allotment of the unit was cancelled vide letter dated 15.09.1995 and request was made for handing over the possession by letter dated 23.09.2002 and 08.09.2011.

Appellant unit assailed the impugned order in C.W.J.C. No. 18644 of 2011 and this Hon'ble Court by order dated 18.11.2011 disposed of the writ petition with liberty to appellant to approach the appellate authority i.e. Industrial Development Commissioner who shall disposed of appeal of appellant within four months. However, appellant filed his appeal after seven years of order passed by this Hon'ble Court



which was dismissed by the appellate authority by his order dated 11.12.2018 which was challenged by the appellant by filing C.W.J.C. No. 2109 of 2019 which was dismissed by the order dated 04.02.2019 as impugned in this L.P.A.

It is submitted on behalf of B.I.A.D.A. that appellant was never keen in setting up the industry and commence the production despite repeated request and authority was put at loss by the lackadaisical and negligent approach of the appellant and appellant resorted to delaying tactics for several years and failed to honour its obligation and commitment in spite of being provided several opportunities, leading to cancellation of the allotment of land and forfeiture of the amount.

The writ petition was dismissed by the learned Single Judge with following observation:

“This court fully agrees with the submissions on behalf of BIADA in the given facts and circumstances of the present case where it appears that the cancellation of the allotment of plot took place in the year 1995 and thereafter the petitioner has always been negligent in seeking his remedy and despite the order dated 18.11.2011, which itself was passed



after 16 years of cancellation, the petitioner took 7 years of file an appeal, this Court, being a Constitutional Court, would not like to grant any relief to the petitioner applying the principles of equity.

The writ has, thus, no merit. It is dismissed.”

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 the L.P.A. is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2021
Transmission Date	NA

