

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6762 of 2020

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M/s Bikaner Elite, a proprietorship firm through its sole proprietor, Vivek Kumar Mittal, aged about 51 years (male), Son of Sri Lalit Kumar Mittal, Resident of Block B 302, Nirmalaya Apartment, Nageshwar Colony, Boring Road, Patna, Bihar, 800001

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Government of Bihar, Patna
2. The Principal Secretary, Department of Industries, Government of Bihar, 2nd Floor, Vikas Bhawan, Bailey Road, Patna-800015
3. Bihar Industrial Area Development Authority, through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004, Bihar
4. The Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004, Bihar
5. The Executive Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004, Bihar
6. The Development Officer, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004, Bihar
7. The Area In Charge, Industrial Area, Patliputra

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi
For the Respondent/s	:	Mr. Kinkar Kumar
	:	Miss Deepika Sharma
For respondent-BIADA	:	Mr. Girijish Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

9 01-03-2021 The present writ petition has been filed seeking the following reliefs :-

“ (i) To issue an appropriate writ, order or direction in the nature of certiorari for quashing of letter no. 1720/D dated 15.06.2020, issued by the respondent-Development Officer, whereby the



petitioner has been directed to deposit the entire outstanding amount towards cost of land allotted to it before execution of the lease deed, on the grounds that the same is completely arbitrary, unreasonable and contrary to the terms of the allotment letter.

(ii) To issue an appropriate writ, order or direction in the nature of certiorari for quashing memo no. 1016/D dated 12.03.2020 issued by the respondent- Executive Director, whereby the rates of land have been increased with retrospective effect from 01.02.2016, on the ground that executive orders cannot be retrospective in nature.

(iii) To issue an appropriate writ, order or direction in the nature of mandamus commanding the respondents not to compel the petitioner to deposit the entire outstanding towards the cost of land allotted to it at one go before execution of the lease deed.

(iv) To issue an appropriate writ, order or direction in the nature of mandamus commanding the respondents to forthwith execute the lease deed for the land allotted to the petitioner in Patliputra Industrial Area at the rates mentioned in the allotment letter.

(v) This Hon'ble Court may adjudicate and



hold that the respondents are duty bound to execute the lease deed for the plot allotted to the petitioner in terms of the clause 18 of the allotment letter which provides that lease deed shall be executed once the proprietor infuses 30% of the project cost.

(vii) This Hon'ble Court may adjudicate and hold that executive orders cannot be retrospective in nature and therefore memo no. 1016/D dated 12.03.2020 issued by the respondent-Executive Director, whereby the rates of land have been increased with retrospective effect from 01.02.2016, is bad in law.

(viii) This Hon'ble Court may award the cost of litigation and suitable compensation to the petitioner for the loss and damages caused on account of the illegal and arbitrary actions of the respondent-authorities."

At the outset, the learned counsel for the respondent- Bihar Industrial Area Development Authority, Patna has referred to paragraph no. 6 of the supplementary counter affidavit filed today, which is re-produced hereinbelow :-

"That it is humbly submitted that one of the letter was challenged to the Memo no. 1720/D dated 15.06.2020 issued by



respondent-BIADA, whereby the petitioner has been directed to deposit the entire outstanding amount towards cost of land allotted to it before execution of the lease deed.

In this regard, it is clarified that the Authority on 22.02.2021 has reviewed and reconsidered the decision of 61st Meeting of the BIADA Board of Directors contained in Proceeding No. 7 dated 23.10.2019 and has found that considering the problems faced by the entrepreneurs retrospective application of the decision has been revoked and as such the present facts for consideration before the Hon'ble Court and the grievance of the petitioner has already been redressed."

The learned counsel for the petitioner submits that since, the respondent-authority has reviewed and reconsidered its earlier decision contained in Proceeding No. 7 dated 23.10.2019 and has now clarified that considering the problem faced by the Entrepreneurs, the retrospective application of the decision of the respondent-authority is being revoked, the petitioner has got no further grievance, hence it does not wish to press the present writ petition.

At this juncture, the learned counsel for the



petitioner submits that the respondent-authority be directed to execute the lease deed in question within a period of one month from today.

The learned counsel for the respondent-authority, Sri Girijish Kumar does not have any objection.

Accordingly, the respondent-authority is directed to execute the lease deed in question, within a period of 30 days from today.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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