

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3940 of 2021

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M/s Uma Mini Modern Rice Mill, (Industrial Area Jhanjharpur, Madhubani)
represented through Umashankar Ray, Gender - Male, Aged about 56 years,
Son of Nathuni Ray, R/o Ward No. 13, Jhanjharpur, P.O. and P.S-Jhanjharpur,
District-Madhubani, Bihar-847404.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Industries,
Government of Bihar, Patna.
2. The Secretary, Department of Industries, Government of Bihar, Patna.
3. The Bihar Industrial Area Development Authority (BIADA), through the
Managing Director, Udyog Bhawan, Gandhi Maidan, Patna.
4. The Managing Director, Bihar Industrial Area Development Authority
(BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
5. District Magistrate, Madhubani.
6. The Executive Director, Bihar Industrial Area Development Authority
(BIADA), Patna.
7. The Executive Director, Bihar Industrial Area Development Authority
(BIADA), Regional Office, Darbhanga.
8. The Area Incharge, Industrial Area Jhanjharpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Rajesh Ranjan, Advocate
For the Respondent nos. 3,4,6,7,8	
BIADA	: Mr. Pankaj Kumar Sinha, Advocate
	: Mr. Devesh Shankaran, Advocate
For the State	: Mr. Rakesh Ambastha, AC to AAG 07

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(I) For setting aside the order dated 24.07.2020 passed
by respondent no. 2 (Secretary, Department of
Industries) in Appeal Case No. 43 of 2019, and for

setting aside the order contained in memo no. 882 dated 14.08.2019 passed by respondent no. 4 (The Managing Director, BIADA) wherein the land measuring an area of 0.40 acres (10890 sq. ft.) has been cancelled, with a further prayer to and to grant permission for change of product, since both the impugned orders are in complete violation of as well in teeth of the order passed by this Hon'ble Court vide order dated 18.03.2015 passed in LPA No. 353/2008 (BIADA Vs Deepak Paints and analogous cases), Order dated 13.04.2018 passed in C.W.J.C. No. 7803/2014 (Kanti Kumar Vs. The State of Bihar and Ors.), order dated 25.02.2019 passed in C.W.J.C. No. 19363/2018 (Ram Prakash Shyam Kumar Vs. The State of Bihar and Others), Order dated 24.06.2019 passed in C.W.J.C. No. 9047/2017 (Radhe Forging Vs The State of Bihar and Ors.), Order dated 20.02.2020 passed in C.W.J.C. No. 2839/2019 (Civ Mill Industries Vs. The State of Bihar and Ors.), and order dated 04.03.2020 passed in LPA No. 257/2019 (Sarvashree Anand Engineering, Maranga Vs The State of Bihar and Others), whereby other petitioners/allottees have been given opportunity for diversification of their product and further time frame of six months so as petitioner's case in this regard be also allowed.

(ii) For declaration and to hold that aforementioned impugned orders are completely illegal, arbitrary, malafide and in colourable exercise of power, infringing the fundamental right of equality and equity and against all canons of justice and also sans jurisdiction being de hors to the provisions of BIADA Act, 1974.

(iii) For directing the respondents forthwith not to take any coercive steps against the allotment of petitioner till disposal of this writ application.

(iv) For any other relief or reliefs for which the petitioner be found entitled in the eye of law.”

Petitioner is ready and willing to revive the industry as also clear the outstanding liabilities and dues of BIADA, only if the respondents allow the change of user of the plot as per the prevalent permissible rules/bye laws/policy.

Let the petitioner approach the respondent no. 4 within two weeks from today giving complete proposal. The

said respondent shall positively consider the petitioner’s request, in accordance with law, within a period four weeks thereafter. If petitioner fails to fulfill any one of the conditions set out in the lease or the conditions with regard to the change of user, it shall be open for the authorities to immediately take possession of the plot, for economic development and industrial growth of the State cannot be hampered any longer for more than 23 years. Petitioner has not put to use the land, for which the grant was made in favour of the petitioner.

In the aforesaid terms, the present petition stands disposed of.

All questions of facts and law are left open.

Liberty granted to the petitioner to take recourse to such remedy as and when otherwise available.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	