

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1434 of 2019

In

Civil Writ Jurisdiction Case No.13337 of 2019

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Santosh Kumar Jalan S/o Late Badri Prasad Jalan, Resident of Flat No. 403,
Om Complex, S.P. Verma Road, P.S.- Gandhi Maidan, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The Bihar Industrial Area Development Authority, 6th-7th Floor, Indira Bhawan, Ram Charitra Singh Path, Bailey Road, Patna through its Managing Director.
4. The Managing Director, Bihar Industrial Area Development Authority, 6th-7th Floor, Indira Bhawan, Ram Charitra Singh Path, Bailey Road, Patna.
5. The Executive Director, Bihar Industrial Development Area Authority, 6th-7th Floor, Indira Bhawan, Ram Charitra Singh Path, Bailey Road, Patna.
6. The In-charge Fatuha Industrial Area Development Authority.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Saket Tiwary, Advocate

For the Respondent/s : Mr.Yogendra Prasad Sinha (AAG 7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-02-2021

Litigation is not a game of dice. Equally a litigant, a chronic one at that, must know the extent of his rights and the limit to which he can take a chance in a Court of Law. On hand, we have one such person, who needs to be reminded of such fact.



In the year 1996, appellant was allotted industrial plot/space for setting up of an industry. His failure to commence commercial production resulted into passing an order of cancellation of such allotment. This was in the year 2007. In order to thwart any further consequential action, he kept on litigating, which, for certain reasons, was kept pending, but nevertheless, his appeal was dismissed vide order dated 27.05.2019, subject matter of challenge in the writ petition.

The facts speak for themselves and truth cannot be suppressed. Appellant could not produce any proof of having established a running industrial unit. The inspection got conducted by the authority only revealed the allotted space to have been deserted. The learned Single Judge rightly took note of the findings of the appellate authority, in recording the factum of desperate attempt on the part of the appellant in placing certain materials/articles so as to show case, certain activity being carried out at the allotted space. The learned Single Judge rightly took note of absence of any tangible material/evidence, be it by way of electricity bills or the Income Tax Returns, indicating proof of any commercial activity on the site.

The industrial growth stands stunted only on account of inaction on the part of the entrepreneurs, like that of



the appellant who without making the unit operational, ensured retention of physical possession, any which way.

For all the aforesaid reasons, we dismiss the appeal finding no illegality/infirmary in the judgment dated 30.09.2019 passed by the learned Single Judge in CWJC No.13337 of 2019 titled as Santosh Kumar Jalan Vs. The State of Bihar & Ors. in dismissing the writ petition.

Interlocutory Application, if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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