

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.578 of 2022

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M/S Satyam Shivam Dairy Food Private Limited through its Managing Director, namely, Anand Roshan, aged about 47 years, Gender - Male, Son of Late Devsharan Bhagat, resident of Alamnagar, Ward No. 12, Police - Station - Alamnagar, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Department of Industries, Government of Bihar, Patna.
2. Additional Chief Secretary, Department of Industries, Government of Bihar - cum- Chairman, Bihar Industrial Area Development Authority (BIADA), Patna.
3. Bihar Industrial Area Development Authority, through its Managing Director.
4. The Managing Director, Bihar Industrial Area Development Authority, First Floor, Udyog Bhawan, East Gandhi Maidan, Patna - 800004.
5. The Executive Director, Bihar Industrial Area Development Authority, Regional office, Barari Bhagalpur.
6. The Area In- charge, Industrial Development Centre, BIADA, Maranga, Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjit Kumar Singh, Advocate
For the Respondent/s	:	Mr.Kinkar Kumar (S.C. 9)

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

Date : 22-02-2022

Heard learned counsel for the parties.

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

“That by the present writ petition, the petitioner hereof craves indulgence of this Hon’ble Court for issuance of an appropriate writ/writs, order/orders, Rule or direction/directions, especially in the nature of CERTIORARI, quashing the orders as

contained in Memo No. 290, dated 14.08.2020 passed by Executive Director, Bihar Industrial Area Development Authority, Regional Office, Barari Bhagalpur (Respondent No. 5), hereinafter referred to be in short as BIADA and further the orders passed by Additional Chief Secretary, Department of Industries, Government of Bihar, Patna, dated 29.10.2021 passed in Appeal No. 12/2021 issued vide Letter No. 3994/L dated 02.12.2021 to the petitioner whereby and whereunder the allotment of plot no. 73 (Part) measuring an area of 10890 Sq. ft. situated at Industrial Development Centre, Maranga, Purnia has been cancelled, arbitrary on the flimsy ground that the industry was not established, contradicting its own site inspection report, violating the principles of natural justice without affording an opportunity of hearing and on appeal, the factual aspects have also been ignored. The petitioner further prays for commanding and directing the respondent no. 5 not to close the installed unit and the petitioner may be granted an opportunity to start production in the unit which has adversely affected during COVID Pandemic, the alleged period of non-production as such to enable the petitioner to mitigate its financial liability, the cancellation of allotment order is desirable to be quashed by this Hon'ble Court in the interest of equity and in the teeth of Article 21 of the Constitution of India. The petitioner further prays for directing and commanding the respondents to settle their issues as per the terms and conditions which would surface on the face of the records of the case and/or any other relief(s) to which the petitioner may be found entitled thereto as this Hon'ble Court may deem just and proper in the facts and circumstances of the present case."

Ms. Binita, learned counsel for the BIADA states that petitioner has concealed relevant information, inasmuch as without BIADA'S permission, the property was mortgaged with the bank in relation to which proceedings under the

Securitisation And Reconstruction of Financial Assets And Enforcement of Security Interest Act, 2002 stands initiated and the matter is pending before the appropriate forum.

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to file a fresh petition, with better/complete particulars, on the same and subsequent cause of action.

Permission granted with liberty as prayed for.

Liberty also reserved to the petitioner to make a mention for listing of the petition on priority basis. As and when any such mention is made, Joint Registrar (List) shall take steps for listing the petition at the earliest.

Instant petition stands disposed of as withdrawn in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	