

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3498 of 2020

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M/s Chitrans Rice Mill through the Proprietor Ravindra Kumar, aged about 62 Years, Male Son of late Radha Madhav Prasad resident of Kokorabai, Madhubani, P.S.-K. hat (Madhubani), District-Purnea.

... .. Petitioner/s

Versus

1. Bihar Industrial Area Development Authority through its Chairman Udhoyg Bhawan, Gandhi Maidan, Patna, District Patna.
2. Industries Development Commissioner-Cum-Chairman, Bihar Industrial Area Development Authority, Udhoyg Bhawan, Gandhi Maidan, Patna, District Patna.
3. The Secretary, Department of Industries, Bihar Industrial Area Development Authority, Udhoyg Bhawan, Gandhi Maidan, Patna District Patna.
4. The District Magistrate-Cum-Collector, Purnea, District-Purnea
5. The Deputy Secretary, Industries Department, Bihar at Patna.
6. The Executive Director, Department of Industries, Bihar Industrial Area Development Authority, Bhagalpur, District Bhagalpur.
7. Director-In-charge, Industrial Department, Development Center, Growth Centre Maranga, Purnea, District-Purnea.
8. Area In-Charge, Department of Industries, Maranga, District-Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s	:	Mr.Yogendra Pd. Sinha (AAG-7)
For the BIADA		Mrs. Binita Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 11-11-2022

Petitioner has prayed for the following relief(s):



“I. That the present writ application is being in the nature of Certiorari for setting aside the order dated 05.12.2019/19.12.2019 passed by the Member Secretary, Department of Industries by which the Appeal No. 16/2019 (Annexure-P-11) to the writ application) against the order dated 14.03.2019 has been dismissed; on the ground that the petitioner was not served show cause notice dated 22.02.2018 at any point of time and there was no inspection report being given to the petitioner at any point of time, there is a violation of principles of natural justice, the order passed is a non speaking order as there is non consideration of the submission by the petitioner;

II. That the present writ application is being in the nature of Certiorari for setting aside the order dated 14.03.2019 by the In-Charge, Director-in-Charge, Bihar Industrial Area Development Authority, Bhagalpur (Annexure-P-10 to the writ application) by which the allotted land of land no-53 (part), total area-12000 sq ft situated at Industrial Development Area, Maranga, District – Purnea has been cancelled; on the ground that the order passed is behind the back of the petitioner, the petitioner was not served any show cause notice as



mandatory under Section 6(2)(A) of Bihar Industrial Area Development Authority (Amendment) Act, 2017, the inspection was done behind the back of the petitioner and nor its report was ever served to the petitioner.

III. That the present application is being filed in the nature of Mandamus for a direction to the In-Charge, Director-in-Charge, BIADA, Bhagalpur to restore the land of land no-53 (part), total area-12000 sq ft situated at Industrial Development Area, Maranga, District – Purnea.

IV. For any other relief/reliefs for which the petitioner is entitled for.”

Learned counsel for the petitioner by filing supplementary affidavit dated 03.08.2022 inter alia undertakes as follows:

“7. That the petitioner undertakes that if such opportunity is being given to revive the rice mill industry and time is given of 6 months, the petitioner will revive the entire business.

8. That the petitioner undertakes to abide by any conditions by BIADA.

9. That the petitioner also undertakes that if the unit is not revived then the petitioner will hand over



the land to BIADA.

10. That petitioner also undertakes that if the petitioner fails to revive the business within the six months then any action be taken against the petitioner including initiation of the proceedings under the Contempt of the Court Act by this Hon'ble Court.”

Learned counsel for BIADA states that petition can be disposed of in terms of the undertaking so furnished.

Consequence of breach thereof, including initiation of proceedings for contempt having violated the undertaking furnished before this Court stands explained to the petitioner through the learned counsel.

As such, petition is disposed of in the following terms:-

(a). Statement made by the petitioner is accepted and taken on record as an undertaking;

(b) Petitioner has been made aware of the consequences of breach thereof, including initiation of proceedings for contempt;

(c) In the event of default of the undertaking, petitioner shall hand over vacant and peaceful possession of the allotted property to BIADA;

(d) Liberty reserved to BIADA, to approach this Court, should the petitioner fail to abide by the undertaking furnished before this Court.

(e) Order dated 05.12.2019/19.12.2019 passed by respondent No. 3, namely Secretary, Department of Industries, Bihar, in Appeal Case No. 16 of 2019 (Annexure-11) and the order dated 14.03.2019,



passed by respondent No.7, namely the In-charge, Director-in-Charge, BIADA, Bhagalpur (Annexure-10) are quashed and set aside.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	15.11.2022
Transmission Date	

