

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7099 of 2021

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M/s Shri Ram fertilizer Chemical Corporation through its proprietor Ginni Kumari, W/o Sunil Kumar Singh, R/o village-Khamhar, PO and PS-Khamhar, District-Begusarai, Bihar-851131.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief 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, Begusarai.
6. The Executive Director (HQ), Bihar Industrial Area Development Authority (BIADA), Patna
7. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Regional Office, Patna
8. The Area Incharge, Industrial Area Barauni.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Respondent/s : Mr. Subhash Prasad Singh, GA-3

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

Date : 04-01-2022

Heard learned counsel for the parties.



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

- i. For setting aside the order dated 19.12.2019 passed by respondent no. 2 (Secretary, Department of Industries) in Appeal Case No. 14 of 2019, affirming the order contained in memo no. 1369 dated 01.03.2019 passed by respondent no. 4 (The Managing Director, BIADA) by setting aside the same as well wherein the land admeasuring an area of 8712 Sq. Ft. allotted to the petitioner has been cancelled, with a further prayer to restore the allotment by granting permission for change of product of the unit to the petitioner forthwith with all consequential reliefs.
- ii. For directing the respondents to discharge their statutory obligation by removing the illegal encroachment and oust the encroachers from the industrial premises of the petitioner and put the petitioner in possession over the premises in question forthwith of the unit.
- iii. For directing the respondents 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.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the



authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

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

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The said authority shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice



shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode; The petition stands disposed of in the aforesaid



terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/K.C.Jha

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2022
Transmission Date	

