

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7605 of 2021**

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Nilesh Kumar S/o Late Onkar Nath R/o Purani Godown P.S. Kotwali District Gaya. Director of Shivam Sewing Machine, Casting PVT. LTD. plot No. - 9 and P- 10 (Part) situated at Village Tekuna, Gaya - Dobhi Road, P.S. Bodhgaya District - Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industries Department, Bihar, Patna.
2. The Principal Secretary Industrial Department Bihar, Patna.
3. The Bihar, Industrial Area Development, Authority First Floor Udyog Bhawan East Gandhi Maidan, Patna. Through its Managing Director.
4. The Managing Director, Bihar Industrial Area Development Authority, First Floor Udyog Bhawan Gandhi Maidan, Patna.
5. The Executive Director, Bihar Industrial Area Development Authority, First Floor Udyog Bhawan Gandhi Maidan, Patna.
6. The Development Officer, Bihar Industrial Area Development Authority, Patna.
7. The Area-In-Change, Gaya - Patna Region B.I.A.D.A

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Rajan Prasad, Advocate  
For the Respondent/s : Mr. Girijish Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA**  
**and**  
**HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)**

3      03-02-2022                      The matter has been heard *via* video conferencing.

The present writ petition has been filed for issuance of an appropriate writ in the nature of mandamus for quashing of the order of cancellation of allotment passed by the respondent no. 3 on 04.01.2020 as also the appellate order dated 01.07.2020, passed by the respondent no. 2 whereby and whereunder the appeal has



been rejected.

At the outset, the learned counsel for the respondent- BIADA has referred to a judgment passed by a co-ordinate Bench of this Court ***dated 27.01.2022***, passed in ***C.W.J.C. no. 8184 of 2020 (Arun Kumar Mishra v. The State of Bihar and others)***. It has been contended that the present writ petition can be disposed off in similar terms, provided, that the learned counsel for the petitioner is ready to give an undertaking on behalf of the petitioner to the effect that the petitioner would definitely start commercial production, within a period of 60 days from today as also deposit the outstanding dues of the respondent- BIADA, if any, within the said period, failing which, the respondent- BIADA shall be at liberty to resume the possession of the plot in question even by resorting to use of police force.

The learned Advocate-on-Record for the petitioner Sri Rajan Prasad, at this juncture, undertakes on behalf of the petitioner that the petitioner will start commercial production in the Unit in question, within a period of 60 days from today and shall also pay the outstanding dues, if any, within the said period and in case of failure to do so, the petitioner will give vacant possession of the land to the respondent- BIADA, failing which, he would be liable to be evicted by use of police force and the respondent- BIADA shall be at liberty to resume possession of the



plot in question.

Having regard to the facts and circumstances of the case, we deem it fit and appropriate to dispose off the present writ petition, not only in terms of the order ***dated 27.01.2022***, passed in ***C.W.J.C. no. 8184 of 2020*** by a co-ordinate Bench of this Court but also in light of the undertaking furnished by the learned counsel for the petitioner hereinabove.

Accordingly, the impugned orders dated 04.01.2020, passed by the respondent no. 3 i.e. the Managing Director, Bihar Industrial Area Development Authority and the order dated 01.07.2020, passed by the respondent no. 2 i.e. the Principal Secretary, Department of Industries, Government of Bihar, Patna stands quashed.

The writ petition stands disposed off on the aforesaid terms.

**(Rajan Gupta, J)**

**( Mohit Kumar Shah, J)**

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