

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8122 of 2021

1. M/S ARTICO situated at Plot No. C-17, (Part) Industrial Area and Estate, Patliputra, Patna - 800001, through its Proprietor/Partner Mr. Ranjeet Kumar Choudhary, Gender Male, aged about 53 years, S/o Shri Krishna Mohan Choudhary.
2. Ranjeet Kumar Choudhary, Proprietor/ Partner- M/S ARTICO, situated at Plot No. C-17, (Part) Industrial Area and Estate, Patliputra, Gender Male, aged about 53 years, S/o Shri Krishna Mohan Choudhary, R/o Jayprakash Colony, Ashiyana Digha Road, Patna - 800025
3. Nutan Choudhary, Proprietor / Partner - M/S ARTICO, situated at Plot No. C-17, (Part) Industrial Area and Estate, Patliputra, Gender female, aged about 53 years, W/O Ranjeet Kumar Choudhary, R/o Jayprakash Colony, Ashiyana Digha Road, Patna - 800025.

... .. Petitioner/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 (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. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Patliputra, Patna.
6. The Area Incharge, Bihar Industrial Area Development Authority (BIADA), Patliputra, Patna.
7. The Collector, Patna.
8. Smt. Chhaya Lal Das W/o Late Laxmi Pandit Resident of House No. 47/48B, R.K. Avenue, Dinkar Golambar, Rajendra Nagar, Patna - 800016.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-07-2022

Heard learned counsel for the parties.

Petitioners have prayed for following reliefs:-

- i. For setting aside the letter issued by Respondent No. 3 contained in Memo No. 6024 dated 03.12.2018 repossessing of an area of 3672 sq. ft. out of total 7200 Sq. Ft. of land, situated at Plot No. C-17, (Part) Industrial Area and Estate, Patliputra, Patna – 800001 (i.e. 51% of the total land) without any formal cancellation, for which the Petitioners are entitled to carry the Industrial activity.
- ii. For directing the Respondents No. 3 to allow the Petitioners to continue with their industrial activity for the above 51 % of land by virtue of will even during pendency of the probate L.A. Case No 1234/2018 by leaving/releasing the same in favour of Petitioners forthwith.
- iii. For declaration and to hold that aforementioned direction is completely illegal, arbitrary, malafide and in colourable exercise of power, infringing the fundamental right of equality and equity and against all canons of justice and also sans jurisdiction being de hors to the provisions of BIADA Act, 1974.
- iv. For any other relief or reliefs for which the petitioner be found entitled in the eye of law.

Pursuant to our previous order, petitioners have given an undertaking by way of filing a supplementary affidavit. Relevant paragraphs whereof are reproduced as under:-

“2. That, in pursuance of the order dated 19.05.2022 passed by this Hon’ble High Court in C.W.J.C. No.8122 of 2021, I am filing this undertaking as follows:-

- i. That, I, hereby undertake to do trial run of the said unit within three months from today, ensure

commercial production upto 50% within six months thereafter and ensure commercial production minimum upto 75% within one year.

ii. That also undertakes that on receipt of dues amount payable by me to the BIADA, I will pay the same to the BIADA as on date.

iii. That I further undertake that in the event of my said unit not being made operational and functional by me within one year, I will hand over and the vacant and peaceful possession to BIADA.

iv. That I further undertakes that in the event of default I shall be liable for being prosecuted for having committed contempt of this Hon'ble Court.”

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

The undertaking is accepted and taken on record.

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

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

(a). Undertaking of the petitioners dated 09.06.2022 (reproduced supra) is accepted and taken on record;

(b) Petitioners have been made aware of the consequences of breach thereof, including initiation of

proceedings for contempt;

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

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

(e) Order dated 05.12.2018 passed by respondent no.3, namely, the Bihar Industrial Area Development Authority (BIADA), through the Managing Director, Udyog Bhawan, Gandhi Maidan, Patna (Annexure-4) is quashed and set aside.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/- Ranjan

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	