

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8316 of 2021

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Ram Kumar Singh, Son of Arvind Prasad Singh, Resident of Henry Public School, Gali No. 4, Sipahi Tola, Town and District-Purnea, Pin Code-854301 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Industry, Government of Bihar, Patna.
2. The Chairman, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, Gandhi Maidan, P.O.-Bankipur, P.S.-Gandhi Maidan, District Patna, Pin Code-800004 (Bihar).
3. The Managing Director, Regional Office, Bihar Industrial Area Development Authority, Barari, District-Bhagalpur, Pin Code-812003 (Bihar).
4. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Barari, District-Bhagalpur, Pin Code-812003 (Bihar).
5. The Development Officer, Bihar Industrial Area Development Authority, Regional Office, Bhagalpur.
6. Rajesh Kumar Agrawal, Partner, Maa Vaishno Devi Tractor and Automobiles, Gurudwara Road, R.N. Shaw Chowk, Purnea, Pin Code-854301 (Bihar).

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7486 of 2019

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Rajesh Kumar Agrawal S/o Sri Bishwanath Agrawal R/o- Village/Mahalla-Gurudwara Road, R.N. Shaw Chowk, P.S.-K.Hat, Distt.-Purnea

... .. Petitioner/s

Versus

1. The State of Bihar through, the Principal Secretary, department of Industries, Bihar, Patna
2. The Managing Director, Department of industries, Bihar, Patna
3. The Chairman, Bihar Industrial Area development Authority, Bihar, Patna
4. The Director, Bihar Industrial Area Development Authority, Bihar Patna
5. The Deputy Director, Bihar Industrial Area Development Authority Bihar, Patna
6. The Executive Director, Bihar Industrial Area Development Authority,



- Regional Office, Barari, Bhagalpur
7. The Development Officer, Bihar Industrial Area development Authority,
Regional officer, Barari, Bhagalpur
8. Ram Kumar Singh R/o Village/Mohalla-Gurudwara Road, R.N. Shaw P.S.
K.Hat, Dist-Purnia

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 8316 of 2021)

For the Petitioner/s : Mr.Subhen Sarkar, Advocate

For the Respondent/s : Mr.Lalit Kishore (AG)

Mr. Devesh Shankaran, Advocate

(In Civil Writ Jurisdiction Case No. 7486 of 2019)

For the Petitioner/s : Mr.Pramod Kumar Mallick, Advocate

For the Respondent/s : Mr.Kinkar Kumar (SC 9)

For BIADA Mr. Devesh Shankaran, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

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 : 04-01-2022

In C.W.J.C. No. 8316 of 2021, petitioner has
prayed for the following relief(s):

“That the present application is being filed for issuance of appropriate writ or writs for setting aside an order dated 28.11.2020 issued by signature of Executive Director and by the order of Managing Director, Bihar Industrial Area Development Authority Regional Office, Bhagalpur by which without giving opportunity of hearing to the Petitioner the allotment of land, which was in favour of Petitioners for business purpose, has been cancelled.”

In C.W.J.C. No. 7486 of 2019, petitioner has



prayed for the following relief(s):

“I) To direct the respondents to allot the separate area of land to start up the industries in the name and style of Maa Vaishno Devi Tractor and Automobile in the industrial area of Growth Centre situated in Maranga under the BIADA.

II) To direct the respondents to separate the allotted 21780 Sqr. Ft. of land on Plot no.20(P) in Growth Centre Maranga Distt. -Purnea on the lease of 90 years to Ram Kumar Singh and his partner petitioner Rajesh Kr. Agrawal in two equal share.

III. To direct the respondents to consider the prayer of the petitioner who is the partner of the aforesaid plot allotted in Growth Centre, Maranga, Purnia by the BIADA.

IV. To grant any other relief/reliefs as to which the petitioner is entitled in the facts and circumstances of the case.”

The partners of the firm namely M/s Maa Vaishno Devi Tractors and Automobile have filed these petitions challenging the very same order dated 28th of November, 2020, passed by BIADA, whereby the allotment stands cancelled. The order is self speaking. Allegedly, for one reason or the other, within the Control of the partners of the firm, the activity for which the allotment was made was not carried out and therefore the Unit was shut down, thus, hindering the industrial growth within the State of Bihar.

Shri Devesh Sankaran, learned counsel, who appears on behalf of BIADA, states that all issues of facts and law can



be dealt with by the appellate authority constituted under the provisions of Section 62 of the BIADA Act, 1974.

learned counsel for the petitioners states petitioners be granted liberty to file an appeal, however, the period of limitation, if any, be directed to be condoned.

Shri Shankaran, learned counsel for the respondent BIADA, states that if such an appeal is filed within four weeks, limitation shall not be allowed to come in the way of its consideration and decision on merits since the petitioners have been pursuing remedies before this Hon'ble Court.

Statement accepted and taken on record.

The present petitions are disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.01.2022
Transmission Date	

