

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9032 of 2021

M/s. Adarsh Furniture, (Industrial Estate, Barari, Bhagalpur) represented through its proprietor Mukesh Mukund, Gender-Male, aged about 45 years, son of Shri Ramdas Thakur, R/o Patal Babu Road, District-Bhagalpur, Bihar-8012001.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Industries, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Industries, Government of Bihar, Patna.
3. The Bihar Industrial Area Development Authority (BIADA), through the Managing Director, 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
4. The Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
5. District Magistrate, Bhagalpur.
6. The Executive Director, (BIADA), Patna, 1st Floor, Udyog Bhawan, Gandhi Maidan.
7. The Executive Director (BIADA), Regional Office, Bhagalpur.
8. The Area Incharge, Industrial Estate Barari, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan
For the Respondent/s : Mr.Lalit Kishore (Ag)

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 present writ petition has been filed seeking the following reliefs :-

“(i) For setting aside the order contained in Memo no. 174 dated 14.03.2019 passed by respondent no. 4 (Managing Director, BIADA) wherein the land measuring an area of 9216



sq.ft. has been cancelled and for setting aside the order dated 12.02.2021 passed by respondent no. 2 (Additional Chief Secretary, Department of Industries) in Appeal case no. 24 of 2019 affirming the aforesaid order, with a further prayer to grant permission for change of product, since both the impugned orders are in complete violation of mandate in this regard as well as in teeth of the order passed by this Hon'ble Court vide order dated 04.03.2020 passed in L.P.A. no. 257/2019 (Anand Engineering v. The State of Bihar & ors.), order dated 18.03.2015 passed in L.P.A. no. 353/2008 (BIADA v. Deepak Paints and analogous cases), order dated 13.04.2018 passed in CWJC no. 7803/2014 (Kanti Kumar v. The State of Bihar and ors.), order dated 25.02.2019 passed in C.W.J.C. no. 19363/2018 (Ram Prakash Shyam Kumar v. The State of Bihar and ors.), order dated 24.06.2019 passed in CWJC no. 9047/2017 (Radhe Forging v. The State of Bihar and ors.), order dated 20.02.2020 passed in CWJC no. 2839/2019 (Civ Mill Industries v. The State of Bihar and ors.) and order dated 04.03.2020 passed in LPA no. 257/2019 (Sarvashree Anand Engineering, Maranga v. the State of Bihar and ors.), whereby other similarly situated petitioner/ allottees have been given opportunity for diversification of their product and further time frame of six months so



as petitioner's case in this regard be also allowed.

(ii) For declaration and to hold that the aforesaid impugned order dated 12.02.2021 passed in Appeal case no. 24/2019 is illegal and in contravention to the settled principles of law i.e. Nemo Judex in Causa Sua (No one should be made a judge on his own cause) as the impugned order vide Memo no. 174 dated 14.03.2019 has been passed by respondent no. 4 Managing Director and the order dated 12.02.2021 passed in Appeal case no. 24/2019 has been passed by respondent no. 2 Additional Chief Secretary, Department of Industries who is holding the same post at same time and as such liable to be quashed on this ground itself.

(iii) For directing the respondents forthwith not to take any coercive steps against the allotment of petitioner till disposal of this writ application. ”

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 Rajesh Ranjan has undertaken on behalf of the petitioner that the petitioner will start commercial production in the Unit in question, within a period of 60 days and 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 14.03.2019, passed by the respondent no. 4 i.e. the Managing Director, Bihar Industrial Area Development Authority and the order dated 12.02.2021, passed by the respondent no. 2 i.e. the Additional Chief Secretary, Department of Industries, Government of Bihar, Patna stand quashed.

The writ petition stands disposed off on the aforesaid terms.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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