

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9269 of 2021

M/s Sarvshree Prakash Bag Udyog, (Industrial Area Raxaul, East Champaran)
represented through its proprietor Jay Prakash Kumar, Gender- Male, aged
about 49 years, Son of Shri Dina Nath Prasad, R/o Ward No.22, Mauja
Raxaul, District Raxaul, East Champaran.

... .. 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 Secretary, Department of Industries, Government of Bihar, Patna.
4. The Bihar Industrial Area Development Authority (BIADA), through the Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
6. District Magistrate, East Champaran.
7. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Patna.
8. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Regional Office, Muzaffarpur.
9. The Area Incharge, BIADA Industrial Area, Raxaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar, Advocate Mr. Rajesh Ranjan, Advocate
For the BIADA	:	Mr. Pankaj Kumar Sinha, Advocate Mr. Devesh Shankaran, Advocate
For the State	:	Mr. Abbas Haider, Standing Counsel-6

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

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

3 05-04-2022 The present writ petition has been filed seeking the
following reliefs :-

“i). For setting aside the order/s dated 12.02.2021



passed by respondent no. 2 (Additional Chief Secretary, Department of Industries) in Appeal Case No. 25 of 2019, affirming the order contained in memo no. 443 dated 20.03.2019 passed by respondent no. 5 (The Managing Director, BIADA) as such for setting aside the same whereby and wherein the land measuring an area of 5900 sq. ft. situated at Plot No. NS-3(P) in Raxaul Industrial Area bearing Survey No. 626, Khata No. 43, village-Haraiya, Thana No. 5, Police Station-Raxaul, Addapur Pargana, Sub-Registry Raxaul, District-East Champaran, has been cancelled, with a further prayer to grant permission for change of product, since both the impugned orders are in complete violation of as well as in teeth of the various orders passed by this Hon'ble Court.

ii). For declaration and to hold that the aforesaid impugned order dated 12.02.2021 passed in Appeal Case No. 25/2019 is illegal and in contravention to the settled principles of law i.e. Nemo Judex in Causa Sua (No one should be made as Judge on his own cause) as the impugned order vide Memo No. 443 dated 20.03.2019 has been passed by respondent no. 5 Managing Director and the order dated 12.02.2021 passed in Appeal Case No. 25/2019 has been passed by Respondent No. 2 Additional Chief Secretary, Department of Industries, who is holding the post of Managing Director (Respondent No. 5) at the same time and as such liable to be quashed on this ground itself.



iii). To declare and hold that the aforementioned impugned orders are sans any application of judicial mind, arbitrary and against equity and all canons of justice inasmuch as the Ld. Authority below have failed to consider the representation dated 18.09.2018 of the petitioner in light of Section 2 of the BIADA Act, 1974.

iv). To hold and declare that the petitioner is entitled to be given an extension of time in terms of judgment dated 13.05.2018 passed in LPA No. 353/2008 BIADA vs. Deepak Paints along with an opportunity for diversification of product.

v). 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 counsel for the petitioner 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 20.03.2019, passed by the respondent no. 5 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)

S.Sb/-

U			
---	--	--	--

