

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8560 of 2019

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1. M/s Durga Stone Crushing Works (Now Prakash Home Pipe) Industrial Area, Bettiah, through Vijay Kumar Singh, aged about 53 years, (M), son of Rajnandan Singh, resident of village Kamalnath Nagar, P.S.- Bettiah, District - Bettiah, West Champaran, Bihar.
 2. Prakash Ranjan s/o Sri Birendra Kumar Srivastava, resident of Supriya Road, East of Kishan Vilas Hotel, near V2 , Bettiah, West Champaran, Bihar.
 3. Birendra Kumar Srivastav, son of Saryug Prasad, resident of Supriya Road, East of Kishan Vilas Hotel, near V2 Bettiah, West Champaran, Bihar.

... .. Petitioner/s

Versus

1. State of Bihar through its Principal Secretary, Industry Department Govt. of Bihar, Vikas Bhawan, Patna.
2. Bihar Industrial Area Development Authority, Patna through its Secretary, 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
3. Managing Director, BIADA Patna, Bihar.
4. Executive Director, BIADA, Regional Office, Muzaffarpur, Bihar.
5. Development Officer, BIADA, Regional Office, Muzaffarpur, Bihar.
6. The Area In Charge, Industrial Area, Betia, Bihar,

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Singh, Advocate Mr. Rajiv Ranjan Kr. Pandey, Advocate
For the State	:	Mr. Rajeev Kumar Sinha, AC to AAG-7
For BIADA	:	Mr. Devesh Shankaran, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief(s):-

“i. For that a writ in the nature of certiorari quashing the order dt. 30.11.2018 passed by the Office of the Principal Secretary, Department of Industry communicated vide Letter No. 5423, dt.



30.11.2018 whereby the memo of appeal has been disposed of in most mechanical and casual manner without appreciating facts of the case and imposing inhibitive conditions of restoration of the unit;

ii. For that the condition for depositing a bank guarantee of Rs. 5,00 lakhs, in particular along with other inhibitive conditions be set aside;

iii. For that an appropriate writ or writs in the nature of certiorari be issued setting aside cancellation order contained in Memo No. 1039, dt. 13.06.2016 issued by Executive Director, BIADA (Regional Office) Muzaffarpur;

iv. For that appropriate writ or writs in the nature of mandamus commanding the respondents to restore the industrial plot and to take decision on the application for change of proprietorship as well as the product being manufactured by unit for which application is already pending since year 2014;

v. For that appropriate writ or writs in the nature of mandamus directing the concerned respondent authorities not to disturb the running of business in view of the fact that livelihood of many people including petitioner and workers dependent thereon shall be affected and the action of the authorities is completely in violation of Article 14, 19 and 21 of the Constitution of India.

vi. For that any other relief or reliefs may be allowed to the petitioner in the facts and circumstances of the case which the Hon'ble



Court deems appropriate in facts of the case and in law.”

Pursuant to our previous order dated 01.11.2022, petitioner has now filed yet another affidavit furnishing his undertaking in the following terms:

“ (a) That the petitioner unit will make all endeavor to make trial run of the unit within a period of three (3) months from date of restoration of allotment and shall come into commercial production within six (6) months, from date BIADA gives possession.

(b) That the petitioner unit shall make payment of any pending legal dues of BIADA on demand.

(c) That the petitioner will comply with all applicable labor laws.

(d) That the petitioner shall abide by the condition or conditions of the undertaking hereinabove and if the same is not fulfilled, the BIADA shall resume vacant possession of the land from petitioner.

(e) That in case of violation of the undertaking, the petitioner may be subject to contempt jurisdiction of the Hon'ble Court. (f) That the petitioner makes prayer to allow him the time limit as in the aforesaid case.”

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 petitioner through the learned counsel.

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

(a). Undertaking of the petitioner dated 12.12.2022 (reproduced supra) is accepted and taken on record;

(b) Petitioner has been made aware of the consequences of breach thereof, including initiation of proceedings for contempt;

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

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

(e) Order dated 30.11.2018 passed by respondent no. 1, namely the Principal Secretary, Industry Department, Govt. of Bihar in Appeal Case No. 47/2016 (Annexure-9) and the order dated 13.6.2016 passed by respondent no. 4, namely the



Executive Director, BIADA, (Regional Office) Muzaffarpur
(Annexure-6) are quashed and set aside.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Spd/-Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

