

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.280 of 2020

In
Civil Writ Jurisdiction Case No.19060 of 2019

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Shivdani Prasad Singh Son of Ram Kirpal Singh, Proprietor of M/s Jai Shree Carbon, Industries, I/A Barauni, Plot- Tilrath, P.S. Tilrath, P.S. Barauni, District- Begusarai, Bihar - 851211.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Govt. of Bihar, Old Secretariat, Patna.
2. Bihar Industrial Area Development Authority through its Managing Director, Udyog Bhawan, Gandhi Bhawan, P.O. and P.S.- Gandhi Maidan, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Gandhi Bhawan, P.O. and P.S.- Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Patna.
5. The Regional Officer, BIADA, Barauni, Begusarai.
6. The Development Officer, BIADA Udyog Bhawan, Gandhi Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mrs. Namrata Mishra, Advocate Mr. Apurva Kumar, Advocate Mr. Avinash Chandra, Advocate
For the Respondent/s	:	Mr. Lalit Kishore (AG) Mr. Harsh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-08-2022

I.A. 2 of 2022

The present interlocutory application has been filed for substitution of legal heirs of the appellant, namely Shivdani Prasad Singh who died on 26.10.2021 during the pendency of



the present appeal.

Accordingly, I.A. No.2 of 2022 is allowed and the legal heirs of appellant Shivdani Prasad Singh namely Niranjana Kumar Singh and Deepak Kumar Singh (sons) are substituted in his place.

Registry to make necessary correction in the memo. of parties, both on the physical and digital files.

L.P.A. No.280 of 2020

Learned counsel for the BIADA states that the undertaking furnished by the appellant is in order.

Learned counsel for the BIADA states that appeal 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 appellant through the learned counsel.

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

(a). Undertaking of the appellant dated 12.07.2022 is accepted and taken on record;

(b) Appellant 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, appellant shall hand over vacant and peaceful possession of the allotted property to BIADA within a period of two weeks;

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

(e) Order dated 05.08.2019 passed by the office of the Secretary, Department of Industry, Government of Bihar, in Appeal No. 9 of 2019 and order dated 01.02.2019, passed by the Executive Director, BIADA, as contained in Memo. No. 1079/D dated 14.02.2019 are quashed and set aside.

Appeal stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	30.08.2022
Transmission Date	

