

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16225 of 2007

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M/S Kumar Mettal Works, Industrial Area Jhanjharpur, through its proprietor,
Ram Chandra Jha, Son of late Indrakant Jha, Resident of Village – Kanhauli,
P.S. - Jhanjharpur, District – Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Industrial Development Commissioner,
Department of Industry, Vikas Bhawan, Bailey Road, Patna.
2. The Managing Director, Bihar Industrial Area Development Authority,
Udyog Bhawan, East Gandhi Maidan, Patna.
3. The Executive Director, Bihar Industrial Area Development Authority,
Udyog Bhawan, East Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority,
Regional office, New Bela, Darbhanga.
5. The Deputy Secretary, Deptt. Of Industry, Vikas Bhawan, Bailey Road,
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kripa Nand Jha, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, AG
		Mr. Devesh Shankaran, Advocate

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

Date : 24-08-2022

Petitioner has prayed for the following relief(s):

“i) For issuance of an appropriate,
order, direction or writ in the nature of certiorari
quashing the office order contained in memo no.
2083 dated 31.8.2007 by which the land which
has been leased in favour of the petitioner, has
been cancelled.

ii) For issuance of an appropriate
order, direction or writ in the nature of certiorari



quashing letter no. 4927 dated 16.10.2007 by which appeal preferred by the petitioner was rejected.

iii) For further issuance of an order, direction or writ in the nature of mandamus commanding the respondent authorities to allow the petitioner to continue his industry over the leased land in question on the ground that restructuring process of the industry of the petitioner by the bank is at final stage.

iv) For any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.”

Following reliefs as amended vide order dated 16.08.2019 passed in I.A. No.1 of 2019

“(a) Order dated 27.12.2018 for reinstatement of cancellation order dated 21.08.2007 for resuming of possession of the unit.

(b) Appellate order dated 01.02.2019 dismissing the appeal holding it not maintainable and in violation of principles of Natural Justice, and

(c) For issuance of direction to BIADA for approving proposal of change of name and project.”

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

Statement accepted and taken on record.

Learned counsel for the petitioner states that



petitioner is ready and willing to- (a) make the Unit fully operational and functional in terms of the product sanctioned and allowed to be manufactured as per the original terms of allotment; (b) clear all the dues payable to BIADA as on date; (c) make itself compliant with all the statutory requirements, including the ones protecting interest of the employees.

Statement accepted and taken on record as an undertaking.

Learned counsel for BIADA states that petition can be disposed of in terms of the undertaking so furnished.

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) Statement made by the petitioner is accepted and taken on record as an undertaking;

(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 01.02.2019, passed by the Principal Secretary, Department of Industries, Bihar in Appeal Case No.3 of 2019 and order dated 27.12.2018 for reinstatement of cancellation order dated 21.08.2007, passed by the Managing Director, BIADA, Patna, respondent No.2 are quashed and set aside.

At this stage, Shri Anshuman Singh, learned counsel for the petitioner, states that the petitioner be granted three months more for full commercial production.

Prayer allowed.

Insofar as change of user of land is concerned from the commodity it was originally allotted for, we are of the considered view that the respondent should entertain the petitioner's prayer within the four corners of law and the current industrial policy and take a decision positively within a period of four weeks from the date of request so received from the petitioner.



Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	26.08.2022
Transmission Date	

