

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11837 of 2021

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M/s Jai Bajrang Stov Industries C/4 Industrial Area, Saharsa through its proprietor namely Sri Shyam Sundar Mishra, aged about 69 years, male, Son of Late Punyanand Mishra, resident of Village- Dhenga, P.O. and P.S.- Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Bihar Industrial Area Development Authority (BIADA) Patna through its Managing Director.
3. The Chairman Bihar Industrial Area Development Authority (BIADA), Patna.
4. The Managing Director Bihar Industrial Area Development Authority (BIADA), Regional Office, Darbhanga.
5. The Executive Director Bihar Industrial Area Development Authority (BIADA), Regional Office, Darbhanga.
6. The Area Officer Bihar Industrial Area Development Authority (BIADA), Industrial Area, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra, Advocate
For the Respondent/s	:	Mr.Lalit Kishore, AG
For the BIADA		Mrs. Binita Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-09-2022

Petitioner has prayed for the following relief(s):

“i) A writ in the nature of
certiorari setting aside the impugned



order dated 21.6.2018 passed in Appeal Case No. 18/2015 by appellate Authority, Respondent Principal Secretary, Department of Industry, Government of Bihar, Patna as contained in Annexure-10, whereby and whereunder appeal preferred by petitioner against the order bearing Memo No. 1143 dated 27.9.2014 passed by Respondent No.4, Managing Director, BIADA, Regional Office, Darbhanga as contained in Annexure-6, under which allotment of land of the petitioner has been cancelled, has illegally been dismissed and affirmed the impugned order of cancellation of allotment of Plot of petitioner by concealing the status of pendency of appeal and without communicating the appellate order to the petitioner and subsequent to order dated 15.7.2019 passed by this Hon'ble Court in C.W.J.C. No. 255/2019 to decide the pending appeal within specified period then impugned appellate order dated 21.6.2018 has been communicated to the petitioner is arbitrary in nature as also in complete violation of principle of Natural Justice.

ii) For issuance of a writ in the nature of Mandamus commanding and directing the Respondents concerned to restore the allotment of lands in question



in favour of petitioner and convert the allotment of lands in question under lease hold from rental nature as petitioner has already deposited the outstanding rent dues much earlier prior to cancellation of allotment.

iii) For a further direction upon the Respondents concerned to give an opportunity to the petitioner to make the plant operational which was earlier shut down for certain period due to commission of murder of sole son of the petitioner within premises of Industrial Area but now petitioner is very much eager to make the plant operational.

iv) And/or any other relief or reliefs for which the petitioner is found entitled to in the facts and circumstances of this case.”

Though the petitioner has furnished an undertaking, but, today it is brought to the notice of the Court that the petitioner is not in a capacity to run the unit.

At this stage, learned counsel for the petitioner states that petitioner be permitted to approach BIADA for working out an amicable solution to the issue.

Such proceeding, if initiated by the petitioner within a reasonable period, shall be decided expeditiously,



preferably within a period of three months.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	05.09.2022
Transmission Date	

