

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7872 of 2022

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M/s Maa Sharde Bhandar Rice Mill, represented through its Proprietor Shri Ram ji Prasad, Gender Male, aged about 41 Years, S/o Uttam Chandra Prasad, R/o Ward no.3 Goshala Ke Pass Gram and P.O.-Chanptia, District-West Champaran Pin-845449.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate
For the BIADA	:	Mr. Pankaj Kumar Sinha, Advocate
For the State	:	Mr. Rakesh Ambastha, AC to AAG-7.

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

3 02-08-2022 The petitioner prays the following reliefs:

*I. For quashing and modifying the part
of the order dated 28.01.2022 passed in Appeal
Case No. 54 of 2020 by the Respondent No.2
whereby and where under while allowing the*

appeal filed by the petitioner, he has arbitrarily imposed such conditions which are without the sanction of law and against the provisions of BIADA Amnesty Policy, 2021 and in teeth of various orders of this Hon'ble Court whereby upon submission of undertaking an extension of time is being granted for initiating the commercial production on the unit of the petitioner.

II. For setting aside the order bearing Memo No. 557 dated 20.06.2020 passed by the Respondent No.4, Managing Director, BIADA whereby and where under the land measuring an area of 21,780 Sq. Ft. which was allotted to the petitioner has been cancelled.

III. For declaration and to hold that the aforesaid impugned order dated 28.01.2022 (communicated vide Memo No.524 dated 15.02.2022) passed in Appeal Case No. 54 of 2020 is illegal and in contravention to the settled principles of law i.e. Nemo Judex in Causa Sua (No one should be made a judge on his own cause) as the impugned order vide Memo No. 557

dated 20.06.2020 has been passed by respondent no.4 Managing Director and the order dated 28.01.2022 passed in Appeal Case No.54 of 2020 has been passed by respondent no.2, The Principal Secretary, Department of Industries who is holding the same post at same time and as such liable to be quashed on this ground itself.

IV. For directing the respondents forthwith not to take any coercive steps against the allotment of petitioner till disposal of this writ application.

At the very outset, the learned counsel for the respondent- BIADA has referred to a judgment passed by a coordinate 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 Advocate-on-Record for the petitioner, at this juncture, undertakes on behalf of the petitioner that the petitioner will start commercial production in the Unit in question, within a period of 60 days from today and shall 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 28.01.2022 passed by the respondent no. 2, i.e. Principal Secretary, Department of Industries, Government of Bihar, Patna and the

order dated 20.06.2020, passed by the respondent no. 4, i.e. the
Managing Director, Bihar Industrial Area Development
Authority (BIADA) stand quashed.

The writ petition stands disposed off on the aforesaid
terms.

(Rajan Gupta, J.)

(Dr. Anshuman, J.)

ravishankar/-

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