

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7968 of 2022

Standard Offset Plot No. -A-9, 10 Industrial Area, Fatwah, Patna, Office Near National Book Depot, Opp. Patna College, Ashok Rajpath, Patna through its partner Ravi Bhushan Prasad (M) 61 years, S/o Late Nand Keshwar Prasad, R/o Mohalla-Nayatola, P.O.-Bankipore, P.S.-Kadamkuan, Patna-800004.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Industry Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Patna.
4. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9
		Ms. Deepika Sharma, AC to SC-9
For respondent	:	Mr. Pankaj Kumar Sinha, Advocate
For BIADA	:	Mr. Devesh Shankaran, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-09-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following
relief/s :

- i. For quashing of impugned office order bearing memo no. - 4375/D dated 15.12.2021 (Annexure - 2) passed by the Executive Director, BIADA, Patna by the order dated 15.12.2021 of Executive Director, BIADA, Patna by which allotment order bearing letter no – 37 dated



by which allotment order bearing letter no – 37 dated 18.01.1978 of industrial plot No. A-9(P), A-10(P), area measuring 30000 square feet situated at Fatuha Industrial Area Patna for 99 years has been cancelled.

- ii. For quashing of impugned order dated 08.04.2022 passed in Appeal No. 05/2022 by the Principal Secretary, Department of Industry, Vikash Bhawan, Bailey Road, Patna (Annexure - 4) by which affirmed the order bearing memo no. – 4375/D dated 15.12.2021 passed by Executive Director, BIADA, Patna.

On 30.06.2022, we had passed the following order:-

“Petitioner will file an undertaking to the effect that he will commence commercial production in the unit within 90 days should the respondents hand over the possession to the petitioner. Also, petitioner undertakes to clear the entire dues.

Let such an undertaking be filed.

List on 21.07.2022.”

Petitioner has filed an undertaking by way of an affidavit dated 21.07.2022 in the following terms:



2. That in compliance of order dated 30.06.2022 passed in CWJC no. – 7968 of 2022 the petitioner undertakes that he will start printing and manufacturing of paperbag, exercise book etc. in the name and style “M/S Standard Offset” in the industrial plot no. – A-9,10 measuring 30,000 sq feet within 90 days. The petitioner made payment of dues Rs.5115/- through demand draft no. – 632811 dated 18.07.2022 in the name of BIADA, Patna. It is submitted that petitioner filed a petition dated 13.07.2022 annexing the order of this Hon’ble court before executive Director, BIADA, Patna to open the lock of the premises, Industrial plot no. – A-9, 10 at Fatwah, Patna but till date the respondents did not hand over the said premises to the petitioner I spite of order of this Hon’ble court.
3. That in the event of failure the petitioner shall hand over the vacant and peaceful possession of the plot no. – A- 9,10 to BIADA for further allotment.

In view of the aforesaid, petitioner’s undertaking is accepted and taken on record.

BIADA has no objection to the order being passed,



as is so being passed in similarly situated cases to augment the industrial growth within the State of Bihar.

Petitioner’s undertaking that he would revive the unit within six months and make it fully operational and functional, is accepted and taken on record.

Consequence of breach thereof stands explained through the learned counsel.

Learned counsel for the respondent undertakes to handover the possession within a period of one week from today.

This Court would not hesitate to not only initiate proceedings of contempt for violating such an undertaking, but also direct the BIADA to take over the possession of the property for allotment to a third party in accordance with law.

Present petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, stands disposed of accordingly.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	09.09.2022
Transmission Date	

