

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12807 of 2021

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M/s Rajdhani Trade Impex, a partnership firm having its place of business at Plot No. 7 B Type in the Fatuha Industrial Area, Fatuha District Patna through one of its partners Shri Munendra Kumar Sinha male aged about 63 years S/o Late Jaipatti Singh, Near Devasthan, Vill and P.O.- Mithan Chhak, P.S.- Gopalpur, District - Patna - 804453.

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority through its Managing Director, Udyog Bhawan, Gandhi Maidan, Patna.
2. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Gandhi Maidan, Patna.
3. The Executive Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Gandhi Maidan, Patna.
4. The Secretary, Bihar Industrial Area Development Authority, Udyog Bhawan, Gandhi Maidan, Patna.
5. The Development Officer, Bihar Industrial Area Development Authority, Udyog Bhawan, Gandhi Maidan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Jha, Advocate
For the Respondent/s	:	Mr. Piyush Lall, Advocate
		Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 28-01-2022

Heard learned counsel for the parties.



Petitioner has prayed for the following relief(s):-

- (I) For issuance of a writ or order or direction in the nature of mandamus directing the respondent Bihar Industrial Area Development Authority (herein referred as "BIADA" in short)

and its authorities to restore the allotment of the Industrial Plot initially allotted to the petitioner and grant an opportunity of 12 months time to restart/resume the industrial activity at the premises;

- (II) For issuance of writ or order or direction in the nature of mandamus directing the respondent BIADA and its authorities to make fresh calculation of the amount in light of the letter dated 11.08.2016 for one time settlement with the respondent department;

- (III) For a declaration that the respondent BIADA and its authorities has got no jurisdiction and authority in terms of the provisions of BIADA Act, 1974 to alter and repossess the boundary specified with respect to the industrial plot allotted to the petitioner and also have no jurisdiction in law to perturb the set up of industrial area as has been developed pursuant to the approval of master plan by the state government;

- (IV) For issuance of writ or order or direction in the nature of mandamus directing the respondent BIADA and its authorities to clarify/bifurcate/break up the amount of Rs.1,45,725.28/-



whether the amount is cumulative / inclusive in total amount of demand Rs.1, 75,723/-calculated and demanded through its letter number 1227/D/DEV/DOC/12/P-37/87, Patna dated 21.02.2019;

(V) For holding and a declaration that the action taken by the respondent BIADA is illegal, arbitrary, and violative of the principles of natural justice as no notice prior to the said action has been served upon the petitioner;

(VI) For issuance of a writ or order or direction in the nature of mandamus directing the respondent BIADA and its authorities to execute lease deed in favor of the petitioner which was cancelled on dated 27.02.2018;

(VII) For any other relief or relief's to which the petitioner is found entitled in the facts and circumstances of this case;

It is not in dispute that the land/property in question allotted by the Bihar Industrial Area Development Authority (BIADA) to the petitioner was not put to use for the purpose, as envisaged in the letter of allotment.

We notice that the petitioner has been dilly-dallying the issue of establishment of the unit, just retarding the industrial growth within the State of Bihar. We are also informed that the petitioner has been resorting to litigation before the different fora, but without any success. BIADA taken



over possession of the allotted site also on account of non-payment of the dues. This was in the year 2018.

Learned counsel appearing on behalf of the BIADA states that immediately thereafter i.e. in the year 2019, the property, subject matter of the *lis*, stands allotted to a third party and possession thereof also handed over.

We notice that petitioner has filed the instant petition only in July, 2021.

As such, we are left with no option but to dismiss the petition on merits as also on account of delay and laches.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2022
Transmission Date	

