

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8184 of 2020

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Arun Kumar Mishra Son of Sri Ramakant Mishra Proprietor Arun Udyog,
105 (P) Industrial Area, Barauni, P.O.- Tilarath, District- Begusarai, Resident
of Mohalla- Visnupur Chaturbhuji, Ward No. 17, P.O. and District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary Industry Department, Government of Bihar, Patna.
3. Managing Director, Bihar Industrial Area Development Authority, Patna.
4. Executive Director, Bihar Industrial Area Development Authority, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Naresh Chandra Verma, Advocate Mr. Natraj Verma, Advocate Mr. Arun Kumar Lal, Advocate
For the Respondent/s	:	Mr. Rajiv Roy, GP.1 Mr. Piyush Lall, Advocate Mr. Devesh Shankaran, Advocate Mr. Pankaj Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(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.)

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Date : 27-01-2022

Heard learned counsel for the parties.

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

“1. That, this writ application is for quashing the order dated 24.07.2020 passed by Respondent No. 2 in



Appeal Case No. 47 of 2019 as contained in annexure-5 and the order dated 20.11.2019 passed by Respondent No.2 and communicated by Respondent No. 3 vide memo no. 6728/D/CN/58409 dated 20.11.2019 as contained annexure-3 by which the Industrial plot allotted to the petitioner has been cancelled.”

Vide his supplementary affidavit dated 3rd of January, 2022, petitioner has averred as under:-

2. That in view of the order passed by this Hon'ble Court on 29.11.2021, the petitioner filed undertaking before the Executive Director, BIADA Patna on 09.12.2021 that he will start commercial production in the Unit within 60 days and he has also deposited Bank Draft of Rs.8500/- as dues of ground rent and maintenance charge.

Pursuant to our previous order dated 13th of January, 2022, petitioner has now filed yet another affidavit furnishing his undertaking in the following terms:



Undertaking/Affidavit on behalf of the Petitioner :

I, Arun Kumar Mishra son of Sri Ramakant Mishra, aged 61 years (Male), Proprietor Arun Udyog, 105 D Industrial Area, Barauni, P.O. – Tilarath, District - Begusarai, do hereby solemnly affirm and state as follows:-

1. That I am the Petitioner in this case and as such I am well acquainted with the facts and circumstances of the case.

2. That in view of the order passed by this Hon'ble court on 13.1.2022 the Petitioner is filing this undertaking that he will

start commercial production in the unit within 60 days and in failure thereof the Petitioner will give vacant possession of the land to BIADA otherwise suitable legal action may be taken against the Petitioner.

3. That the Petitioner has got Registration Number from Indian Bureau of Mines, Ranchi.

A photo copy of the allotment of Registration No. is being filed herewith and marked as Annexure 1 to this affidavit.

4. That, the contents of this affidavit have been read by me which I have understood and those are true and correct to the best of my knowledge and belief.

5. That the Annexure is photo/true copy of the original.

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

The undertaking is accepted and taken on record.

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). Undertaking of the petitioner dated 24.01.2022 (reproduced supra) is accepted and taken on record;

(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 24.07.2020 passed by respondent no.2, namely the Secretary, Industry Department, Government of Bihar, Patna in Appeal Case No.47 of 2019 (Annexure-5) and the order dated 20.11.2019 passed by respondent no.2 namely the Secretary, Industry Department, Government of Bihar and communicated by respondent no.3 namely Managing Director, Bihar Industrial Area Development Authority, Patna (Annexure-3) are quashed and set aside.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	29.01.2022
Transmission Date	

