

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23709 of 2018

=====

Lincon Home Appliances And Power System S/o late Bhikari Rout c-22
Patliputra Industrial Estate, Patna-13

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Department of Industries, Government of Bihar, Secretary, Patna, Bihar.
3. The Industries Development Commissioner, Department of Industries Govt. of Bihar Patna
4. The Bihar Industrial Area Development Authority, Through its managing Director at present East Gand
5. The managing Director, BIADA, 6-7 Floor Indra Bhawan Bailey Road, Patna at present East Gandhi M
6. The Executive Director, BIADA, 6-7 Floor Indra Bhawan Bailey Road, Patna at present East Gandhi M

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Subhash Pd. Singh- GA3
		Mr. Dilip Kumar, AC to GA-3
For the BIADA	:	Mr. Naresh Dikshit, Advocate
		Mrs. Kalpana, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-08-2022

Petitioner has prayed for the following relief(s):

“(i) For issuing a writ in the nature of certiorari for quashing the order dated 24.11.2018 passed by the Principal Secretary, Industry Department, Government of Bihar in appeal case no. 24 of 2016 (Anx.-9). Whereby appeal has been dismissed on non-est and



perverse grounds.

(ii) For issuing a writ in the nature of certiorari for quashing the order passed by the Managing Director of Bihar Industrial Area Development Authority, vide Memo No. 1762/D 15/Do/PIADA/12/1999 dated 31.03.2016 (Anx-7) whereby the petitioner's plot No. C-22 situated at the Patliputra Industrial Area, Patna-13 has been cancelled.

(iii) For issuing a writ in the nature of mandamus commanding the respondent's authority to allow the Petitioner to run his unit without any hindrance restore the said plot no C-22 to the Petitioner.

(iv) For issuing a writ in nature of mandamus commanding the respondents not to take any coercive actions against the Petitioner's plot C-22.

(v) For issuing an order staying the operation of Annexure 7 and 9.

(vi) For issuing other writ/writs, order/orders, or direction/directions as your lordships may deem that the Petitioner is entitled to in the fact and circumstances of the case."

Learned counsel for the BIADA states that the undertaking furnished is in order.

Statement accepted and taken on record.

Learned counsel for the petitioner states that petitioner is ready and willing to- (a) make the Unit fully operational and



functional in terms of the product sanctioned and allowed to be manufactured as per the original terms of allotment; (b) clear all the dues payable to BIADA as on date; (c) make itself compliant with all the statutory requirements, including the ones protecting interest of the employees.

Statement accepted and taken on record as an undertaking.

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

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). Statement made by the petitioner is accepted and taken on record as an undertaking;

(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 24.11.2018 passed by respondent no.2, namely The Principal Secretary, Department of Industries, Govt. of Bihar, Patna in Appeal No. 24 of 2016 (Annexure-9) and the order dated 31.03.2016, passed by respondent No.5, namely The Managing Director, BIADA, Patna (Annexure-7) are quashed and set aside.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	26.08.2022
Transmission Date	

