

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5439 of 2021

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M/s Bombay Logense and Plastic Industries Proprietor Sita Ram Prasad Singh, aged about 67 years, Male, Son of late Sheonandan Singh, resident of Village - Eknar, Post - Dhanawan, Police Station- Hisua, District- Nawada.

... .. Petitioner/s

Versus

1. State of Bihar through the Secretary, Udyog Vibhag, Department of Industries, Bihar, Patna.
2. The Deputy Secretary, Department of Industry, Bihar, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority, (BIADA), Patna, Bihar.
4. The Executive Director, BIADA, Patna, Bihar.
5. The Development Officer, BIADA, Patna, Bihar.
6. The Senior Account Officer, BIADA, Patna, Bihar.
7. The Regional In-charge, Industrial Area, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar, Advocate
For the Respondent/s	:	Mr.Lalit Kishore, AG
For the BIADA	:	Mr. Kumar Priya Ranjan, 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 : 21-01-2022

Petitioner has prayed for the following relief(s):

“(1) For issuance of writ/writs



direction/directions, in the nature of certiorari for quashing the order dated 06.03.2020 passed by Sri Narmadeshwar Lal, the Secretary, Department of Industries, Bihar, Patna in Appeal No. 05/2019 whereby and where under confirmed the order dated 16.02.2019 (Annexure-2) of Memo No. 1125/D passed by the M.D., BIADA whereby allotment of Plot No. - C-3 measuring 2500 Sq. Ft. area located in Industrial Area, Nawada vide Letter No 678/D dated 16.07.1998 has been cancelled and seized the deposited amount by petitioner.

(ii) For issuance of writ in the nature of certiorari to also set aside the order dated 16.02.2019 (Annexure-11) passed by M.D., BIADA whereby allotment of Plot No. C-3 measuring 2500 Sq. Ft. area located in the Industrial Area, Nawada vide letter No. 678/D dated 16.07.1998.

(iii) Any other relief/reliefs may be granted for which the petitioner is found entitled in the facts and circumstance of the case.

Learned counsel for BIADA states that as on



date no 3rd party rights stand created.

Learned counsel for the petitioner states that petitioner is ready and willing to furnish an undertaking to this Court to the effect that (a) within six months, petitioner shall 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) petitioner shall clear all the dues payable to BIADA as on date; (c) petitioner shall make itself compliant with all the statutory requirements, including the ones protecting interest of the employees.

Shri Birendra Kumar, learned counsel for the petitioner, states that as on date petitioner is also to pay a sum of Rs. 2,34,390/- in addition to a sum of Rs. 8000/- (approximately), of which the petitioner is already aware of.

Petitioner through counsel also undertakes to deposit the said amount.

We are sure that the respondent BIADA would take a decision in the affirmative, which, in our considered view, would be in public interest as also in the interest of the State to generate economic growth as also provide employment to the people.



Petition is disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	25.01.2022
Transmission Date	

