

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.319 of 2021

=====

Sarvashree Sudhir Chura Udhyog, Industrial Area Jhanjharpur through its proprietor Sudhir Kumar Rai aged about 40 years (Male) son of Murli Rai, Resident of Purani Bazar, Ward no. 13, Jhanjharpur, P.O. and P.S. - Jhanjharpur, Dist.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industry Department, Government of Bihar, Patna.
2. The Bihar Industrial Area Development Authority through its Managing Director, 1st Floor, Udhyog Bhawan, East Gandhi Maidan, Patna, 800004.
3. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Darbhanga- 846004.
4. The Development Officer Regional Office, Bihar Industrial Area Development authority, Darbhanga- 846004.
5. The Regional In-charge Industrial Development Centre, Jhanjharpur, Dist. - Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Respondent/s : Ms. Binita Singh (AC to AAG 7)

=====

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

4 03-02-2022 The present writ petition has been filed seeking the following reliefs :-

“(A) For issuance of an appropriate writ directing and commanding the respondents to quash the office order contained in Memo no. 651 dated 31.05.2019 issued by the respondent no. 3, Executive Director, Bihar Industrial Area Development Authority, Darbhanga (hereinafter referred to as BIADA) pursuant to the order of



Managing Director BIADA dated 17.05.2019 whereby the allotment of plot no. A-13 P area 0.20 acre in favour of the petitioner in Industrial Area, Jhanjharpur has been cancelled and the amount deposited with respect to the allotment has been forfeited.

(B) For issuance of an appropriate writ directing and commanding the respondents to quash the order dated 01.07.2020 contained in Appeal case no. 39 of 2020 passed by the respondent no. 1 the Principal Secretary, Industries department, Bihar, Patna, whereby and whereunder rejected the application under appeal of the petitioner.”

At the outset, the learned counsel for the respondent- BIADA has referred to a judgment passed by a co-ordinate Bench of this Court ***dated 27.01.2022*** in ***C.W.J.C. no. 8184 of 2020 (Arun Kumar Mishra v. The State of Bihar and others)***. It has been contended that the present writ petition can be disposed off in similar terms, provided, that the learned counsel for the petitioner is ready to give an undertaking on behalf of the petitioner to the effect that the petitioner would definitely start commercial production, within a period of 60 days from today as also deposit the outstanding dues of the respondent- BIADA, if any, within the said period, failing



which, the respondent- BIADA shall be at liberty to resume the possession of the plot in question even by resorting to use of police force.

The learned Advocate-on-Record for the petitioner Sri Anil Kumar, at this juncture, undertakes on behalf of the petitioner that the petitioner will start commercial production in the Unit in question, within a period of 60 days from today and shall also pay the outstanding dues, if any, within the said period and in case of failure to do so, the petitioner will give vacant possession of the land to the respondent- BIADA, failing which, he would be liable to be evicted by use of police force and the respondent- BIADA shall be at liberty to resume possession of the plot in question.

Having regard to the facts and circumstances of the case, we deem it fit and appropriate to dispose off the present writ petition, not only in terms of the order ***dated 27.01.2022***, passed in ***C.W.J.C. no. 8184 of 2020*** by a co-ordinate Bench of this Court but also in light of the undertaking furnished by the learned counsel for the petitioner, hereinabove.

Accordingly, the impugned orders dated 31.05.2019, passed by the respondent no. 3 i.e. the Executive Director, Bihar Industrial Area Development Authority,



Darbhangha and the order dated 01.07.2020, passed by the respondent no. 1 i.e. the Principal Secretary, Department of Industries, Government of Bihar, Patna stand quashed.

The writ petition stands disposed off on the aforesaid terms.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

