

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14500 of 2021

M/s. Krishna Enterprises through its proprietor Ramoutar Prasad S/o Jaidev Prasad, gender- male, aged about 44 years, R/o Adarsh Food Product, Industrial Area, Near Masjid, Deonah Deonah, P.O., P.S. and District- Begusarai, Bihar - 851122.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Industries, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Industries, Government of Bihar, 2nd Floor, Vikas Bhawan, Patna.
3. The Principal Secretary, Department of Industries, Government of Bihar, 2nd Floor, Vikas Bhawan, Bailey Road, Patna.
4. The Bihar Industrial Area Development Authority (BIADA), through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
6. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Patna.
7. The Development Officer, Bihar Industrial Area Development Authority (BIADA), Patna.
8. The Area Incharge, Industrial Area Barauni, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Ranjan, Advocate Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Mr.Suresh Kumar, AC to GP-1
For BIADA		Mr. Pankaj Kumar Sinha, Advocate Mr. Devesh Shankar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 07-04-2022 Petitioner has prayed for the following relief(s):-

- i. For setting aside the order



contained in Letter No. 3063/D dated 30.04.2019, passed by Respondent No. 7 (The Development Officer, Patna) whereby and where under it has been directed to the Petitioner to deposit the transfer fee to the tune of Rs.12,05,632/- along with maintenance charge to the tune of Rs.2,25,750/- along with other charges (total:- Rs. 14,38,050/-) in order to transfer the Plot No. 17 admeasuring an area of 0.25 Acres (10,890 Sq. Ft.) for entering the name of the petitioner in the records of BIADA, which is arbitrary, whimsical and in teeth of the order of BIADA Board of Directors contained in Memo N o. 5640 dated 03.08.2013, as such impugned orders have no leg to stand in view of the settled principles of law as by the impugned order prevailing circle rate of Industrial Area, Barauni as existing on 30.04.2019 has been asked to pay instead of prevailing circle rate existing as on 21.08.2015 despite being the fact that the application for such transfer was made on 21.08.2015 itself.

ii. To hold and declare that the petitioner can hardly be put under obligation to pay the transfer fee @ 15% of the prevailing circle rate of the industrial area Barauni and maintenance charge @ 5% in terms of office order vide Memo No. 5640 dated 03.08.2013



on the basis of circle rates of Industrial Area Barauni as on 21.08.2019 passed in civil appeal No. 35887/2015, BIADA Vs. Amit Kumar by the Hon'ble Supreme Court.

iii. For issuance of appropriate writ in the nature of mandamus commanding the respondent to treat the petitioner equitably with similarly situated other allottees like M/s. Chandra Engineering, Industrial Area, Buxar, M/s. Allen Drinks, Industrial Area, Patliputra, M/s. Hindustan Coca Cola Pvt. Ltd., Patliputra) wherein the prevailing circle rate as on date of application is taken for the industrial area and not on the present rate of that Industrial area.

iv. For a direction to the respondent authority to further compute the above mentioned transfer fee only for 48 years i.e. for the proportionate period for which the land is being transferred and not for 90 years.

v. The Hon'ble Court may award the cost of litigation and suitable compensation to the petitioner for the loss and damages on account of illegal and arbitrary action of respondents BIADA.

vi. For any other relief or reliefs for which the petitioner be found entitled in the eye of law.”



Learned counsel for the petitioner, under instructions, states that, in view of the intervening developments, the petition may be permitted to be withdrawn.

Prayer allowed.

Petition is disposed of as withdrawn.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

U			
---	--	--	--

