

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15649 of 2021

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M/s International Binding Unit a society having its 61, South New Patliputra Colony, Patna- 800013 represented by its treasurer namely Mr. Mumtazul Hasan male aged about 65 Years son of late Dr Zahirul Hasan resident of 4 KA, Tatarpur, Bijlichak Gali, Asanandpur, Bhagalpur- 812002.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Industries, Government of Bihar, New Secretariat, Bailey Road, Patna.
2. The Additional Chief Secretary, Department of Industries, Government of Bihar, New Secretariat, Bailey Road, Patna.
3. The Bihar Industrial Area Development Authority, Udyogh Bhawan, East Gandhi Maidan, Patna through its Managing Director.
4. The Managing Director, Bihar Industrial Area Development Authority, Udyogh Bhawan, East Gandhi Maidan, Patna.
5. The Executive Director, Regional Office, Bihar Industrial Area Development Authority, Patna.
6. The District Magistrate, Patna.
7. The Senior Superintendent of Police, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate
For the Respondent/s : Mr. Rajiv Roy, GP 1

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

5 08-02-2022 The matter has been heard *via* video conferencing.

The present writ petition has been filed seeking the
following reliefs :-

“(i) For issuance of a writ in the nature of certiorari for quashing of the order dated 13.08.2021 passed by the respondent number 2 in Appeal Case Number 49 of 2019 whereby the



order dated 22.11.2019 passed by the respondent number 4 cancelling the allotment of industrial plot at Patliputra Industrial Area, Patna has been affirmed;

(II) For further issuance of a writ in the nature of certiorari for quashing of the order dated 22.11.2019 passed by the respondent number 4 communicated to the petitioner through letter bearing memo number 6849/D dated 27.11.2019 by the respondent Executive Director, Bihar Industrial Area Development Authority (hereinafter referred to as the BIADA for short) Patna whereby allotment of industrial plot to the petitioner at Patliputra Industrial Area, Patna has been cancelled.

(III) For issuance of a writ or order or direction upon the respondents to grant a suitable time period to the petitioner to commence production activity at the industrial plot number C-36(P) in Patliputra Industrial Area, Patna in light of the Division Bench judgment of this honourable court dated 18.03.2015 passed in LPA number 353 of 2008;

(IV) For issuance of a writ in the nature of prohibition restraining the respondent BIADA and its authorities as well as the district administration represented by the respondent number 6 and 7 from dispossessing the petitioner from the industrial premises in light of the impugned orders dated 22.11.2019



cancelling the allotment of the industrial plot and affirmation of the same by the appellate authority through the order dated 13.08.2021;

(V) For further restraining the respondent BIADA and its authorities from allotting the Plot No. C-36(P) in the Patliputra Industrial area, Patna by way of lease or otherwise in favour of any other person during the pendency of the instant writ application;

(V) For any other relief(s) to which the petitioner is found entitled in the facts and circumstances of this case.”

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***, passed 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, 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 22.11.2019, passed by the respondent no. 4, i.e. the Managing Director, Bihar Industrial Area Development Authority and the order dated 13.08.2021, passed by the respondent no. 2, i.e. the Additional Chief 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)

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