

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10667 of 2022

Silania Associates Packaging Private Limited A company incorporated under the Companies Act, having its office at WZ- 598, F/F Siri Nagar, Shakur Basti, Rani Bagh, New Delhi- 110034, through its Director Rajesh Kumar, aged about 51 years (male), son of Dwarka Prasad, resident of 91 Raj Nagar, Pitampura, West Delhi, Delhi- 110034.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, 2nd Floor, Vikas Bhawan, Bailey Road, Patna- 800015.
3. Bihar Industrial Area Development Authority, Through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004, Bihar.
4. The Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004, Bihar.
5. The Deputy Managing Director, Bihar Industrial Area Development Authority.
6. The Joint Managing Director, Bihar Industrial Area Development Authority.
7. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Darbhanga.
8. The Development Officer, Bihar Industrial Area Development Authority, Regional Office, Darbhanga.
9. M/s. Sai Industries, Through its proprietor Sri Pappu Kumar, aged about 47 years (male), son of Late Ram Prit Mahaseth, Mohalla- Pandasarai, P.O. and P.S.- Laherisarai, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi, Adv
For the State	:	Mr.Kinkar Kumar (SC9)
		Ms. Deepika Sharma, AC to SC-9
For BIADA	:	Mr. Kumar Priya Ranjan, Adv

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“i) To issue an appropriate writ, order or direction in the nature of Certiorari for quashing memo no. 526 dated 17.06.2022 issued by the Respondent Deputy Managing Director, purportedly under the order of Respondent Joint Managing Director, whereby and whereunder the allotment of plot no. 7 having an area of 17424 Acres in industrial area Pandaul Madhubani, made in favour of the Respondent No. 9 has been cancelled, on the ground that the same is completely illegal, arbitrary in nature and sans any jurisdiction.

ii) To issue an appropriate writ order or direction in the nature of mandamus commanding the Respondents to transfer plot no. 7 having an area of 17424 Acres in Industrial Area Pandaul madhubani in favour of the petitioner.

iii) This Hon’ble Court may adjudicate and hold that the impugned order of cancellation of allotment contained in memo no. 526 dated 17.06.2022 issued by the Respondent Deputy Managing Director, purportedly under the order of Respondent Joint Managing Director is *de hors* the provisions of the Bihar Industrial Area Development Authority Act, 1974.

iv) This Hon’ble Court may further adjudicate and hold that the Respondent Managing Director and other managerial personnel are not the competent authority under the Bihar Industrial Area Development Authority

Act, 1974 to cancel the allotment of land made in favour of the petitioner.

v) This Hon'ble Court may further adjudicate and hold that the impugned order contained in memo no. 526 dated 17.06.2022 is in gross violation of Section 6(2) (a) of the Bihar Industrial Area Development Authority Act, 1974 in terms of which the allottee ought to have been given an opportunity of 30 days to put up his case before cancellation of allotment.

vi) This Hon'ble court may further adjudicate and hold that the application of transfer of plot having being initially filed on 05.05.2015 could not have been rejected on 08.04.2022 in terms of clause 14.2 of the BIADA Land Allotment Policy, 2021.

vii) This Hon'ble Court may adjudicate and hold that the action of BIADA in keeping the application for transfer pending for almost seven years is highly arbitrary and unreasonable in nature.”

Leaving the issue of maintainability open *moreso* with regard to the petitioner's locus, we permit the petitioner to approach **respondent no. 4 Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan**, to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in

accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA