

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11507 of 2022

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M/s Satyam Automobile Pvt. Ltd. Proprietorship Firm at Industrial Area, Barauni, Near Gyan Bharti School, N.H. - 31, Begusarai, through its Director, Sanjeev Kumar Rai, aged about - 52 years, Gender - Male, S/o Late Yogendra Prasad Rai, Resident of Mohalla- Amitabh Kunj, Block No. 2, Flat No. 304, Ward No. 15, Buddha Colony, P.S. - Budha Colony, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary to the State Government, Department of Industries, Bihar, Patna.
2. The Bihar Industrial Area Development Authority through its Managing Director I st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
3. The Managing Director, Bihar, Industrial Area Development Authority, I st Floor, Udyog Bhawan, East Gandhi Maidan, Bihar, Patna.
4. The General Manager, Bihar Industrial Area Development Authority, I st Floor, Udyog Bhawan, East Gandhi Maidan, Bihar.
5. The Deputy General Manager, Bihar Industrial Area Development Authority, Muzaffarpur cluster, I st Floor, Udyog Bhawan, East Gandhi Maidan, Bihar, Patna.
6. The Executive Director, Bihar Industrial Area Development Authority, I st Floor, Udyog Bhawan, East Gandhi Maidan, Bihar, Patna.
7. The Development Officer, Bihar, Industrial Area Development Authority, Regional Office, Muzaffarpur.
8. The Area Incharge, Bihar Industrial Area Development Authority, Industrial Area, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the State	:	Mr. Ravish Chandra, AC to SC 6
For the BIADA	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Gyan Shankar, Advocate

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

Date : 18-10-2022

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



“(a) For issuance of writ in the nature of certiorari or any other appropriate writ(s), order(s) direction (s) for quashing the of an office order vide memo no. 946 dated 17/06/2022 issued under the signature of Deputy General Manager, Bihar Industrial Area Development Authority, Muzaffarpur Cluster, Ist Floor, Udyog Bhawan, East Gandhi Maidan, Bihar, Patna by which the Deputy General Manager forfeit the security deposit amount and cancelled the allotment of lease bearing Plot No. 80 P Area 36113 Square feet under Industrial Area, Barauni, Begusarai in compliance of Order of Joint Managing Director dated 10.06.2022.

(b) For issuance of writ in the nature of certiorari or any other appropriate writ(s) Order (s) direction (s) for quashing the order dated 10.06.2022 by which the Joint Managing Director direct the respondent to forfeit the Security deposit amount and cancelled the allotment of lease of petitioner(s) bearing Plot No. 80 P area 36113 Square feet under Industrial Area Barauni, Begusarai.

(c) For issuance of writ in the nature of Mandamus or any other appropriate writ (s) Order (s) direction(s) to the respondents not to, disturb the possession of petitioner/s.

(d) For issuance of any other appropriate writ(s), Order(s), direction(s) for which the petitioner/s is entitled to.”

In pursuance of our order dated 12.08.2022, petitioner has a supplementary affidavit furnishing the undertaking in the



following terms:

“(a) That the petitioner unit shall start commercial production in the unit within 60 days, should the respondents hand over possession of the premises to the petitioner, failing which petitioner shall give vacant and peaceful possession of the premises to BIADA.

(b) Petitioner shall make the unit fully operational and functional within six months in terms of the product sanctioned and allowed to be manufactured as per the original terms of allotment.

(c) Petitioner shall clear all the dues payable to BIADA as on Dated 30.December 2022.

(d) Petitioner shall make itself complainant with all the statutory requirement, including the ones protecting interest of the employees.

(e) That it is stated that if the petitioner fails to comply with the undertaking, petitioner shall hand over the vacant and peaceful possession of the premises to the BIADA with liberty for further allotment to 3rd party and petitioner shall lose all right therein.

(f) Petitioner shall be liable for initiation of proceeding for contempt for having violated the undertaking furnished to the court.”

Learned counsel for BIADA states that petition can be disposed of in terms of the undertaking so furnished.

Consequence of breach thereof, including initiation of proceedings for contempt having violated the undertaking furnished before this Court stands explained to the petitioner through the learned counsel.

As such, petition is disposed of in the following terms:-



(a) Statement made by the petitioner is accepted and taken on record as an undertaking;

(b) Petitioner has been made aware of the consequences of breach thereof, including initiation of proceedings for contempt;

(c) In the event of default of the undertaking, petitioner shall hand over vacant and peaceful possession of the allotted property to BIADA;

(d) Liberty reserved to BIADA, to approach this Court, should the petitioner fail to abide by the undertaking furnished before this Court.

(e) Order dated 17.06.2022, under Memo. No.946, passed by respondent no.5, namely The Deputy General Manager, BIADA, Muzaffarpur Cluster and the order dated 10.06.2022, passed by the Joint Managing Director, BIADA are quashed and set aside.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	19.10.2022
Transmission Date	

