

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12073 of 2016

M/s Preeti Products, Registered office Industrial Area, Fatuha through heirs of its proprietor Late Ram Das Sah

(i) Smt. Kaushalya Devi (Wife)

(ii) Vinod Kumar (Son)

(iii) Pramod Kumar (Son)

(iv) Subodh Kumar (Son)

(v) Smt. Kanti Devi (Daughter)

(vi) Smt. Kamla Devi (Daughter)

All Resident of Imli Tal, Daldali Road, Bakerganj, Patna-800004.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Industries, Government of Bihar, Patna.

2. The Industrial Development Commissioner, Government of Bihar, New Secretariat, Patna.

3. The Bihar Industrial Area Development Authority, Indira Bhawan, Patna through its Managing Director.

4. The Managing Director, Bihar Industrial Area Development Authority, Indira Bhawan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-09-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

“That this is an application on behalf of petitioner for issuance of writ(s)/order(s)/direction(s) quashing Annexure-3 by which the respondent no. 4 has passed an order of cancellation dated 04.07.2007 of the Industrial Plot No. C14P and C15P, IInd phase Industrial Area, Fatuha; and further for issuance of other appropriate writ/order/direction for quashing

Annexure-5 by which the statutory appeal filed by the petitioner against the order of cancellation has been rejected by the respondent no. 2 vide order dated 06.09.2007; and for issuance of appropriate writ/order/direction which the petitioner in the fact of this case is found entitled to.”

Pursuant to our previous order, petitioners have given an undertaking by way of filing a supplementary affidavit.

Relevant paragraphs whereof are reproduced as under:-

3. That it is stated that the petitioner undertakes that he shall make all endeavour to fully make the unit operational and functional within six months for the category for which the land was allotted i.e. for running fruit juice, Cold drinks unit and manufacturing of different spices.
4. That it is further stated that the petitioner undertakes to comply with on statutory provisions including labour laws, though there are only five employees in the factory which is being run by the petitioner.
5. That the petitioner further undertakes that he shall clear all the dues payable to BIADA as on date.
6. That the petitioner further undertakes that it shall make itself compliant with all the statutory requirement including the once protecting interest of the employees.

7. That the petitioner further undertakes that in the event of failure on his part to comply with the undertaking, he shall hand over vacant and peaceful possession of the premises to the BIADA.
8. That the petitioner further undertakes that if he will violate the order of this Hon'ble Court or undertaking given by him in this case, he shall be liable for initiation of proceedings of contempt.
9. That in the above view of the matter the undertaking of the petitioner may be accepted and the cancellation of allotment may be restored to its original so that the petitioner may run the unit smoothly and without any fudge.
10. That on the other hand the petitioner would pray to the Hon'ble Court to direct BIADA not to create uncalled for hindrance in running the unit which is being run since its allotment and never stopped production from the unit even during Pandemic Covid-19 save and except when national Lockdown was imposed on 25.03.2020.

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

The undertaking is accepted and taken on record.

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) Undertaking of the petitioner dated 01.09.2022 (reproduced supra) is accepted and taken on record.

(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, to approach this Court, should the petitioner fail to abide by the undertaking furnished before this Court.

(e) Order dated 04.07.2007 passed by respondent no. 4 namely, The Managing Director, Bihar Industrial Area Development Authority, Indira Bhawan, Patna and order dated 06.09.2007 passed by respondent no. 2 namely The Industrial Development Commissioner, Government of Bihar, New Secretariate, Patna are hereby 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)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	