

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18055 of 2019

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Pawan Kumar @ Pawan Kumar Singh Son of Late Chandrika Prasad Singh
Resident of Gayatri Ashram, Mahendrapur, Ward No.4, Hathdeh, P.O. and
P.S.- Hathdeh, District- Patna, at present resident of Shirsh Complex, NH-31
near D.C. Singh Petrol Pump, Harrakh, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Industry, Govt. of Bihar, Patna.
3. The Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, East Gandhi Maidan, Patna through its Managing Director.
4. The Managing Director, Bihar Industrial Area Development Authority, (BIADA), Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Director, Bihar Industrial Area Development Authority, (BIADA), Udyog Bhawan, East Gandhi Maidan, Patna.
6. The Executive Director, the Bihar Industrial Area Development Authority, (BIADA), Udyog Bhawan, East Gandhi Maidan, Patna.
7. The Area Development Officer, Bihar Industrial Area Development Authority, (BIADA), Udyog Bhawan, East Gandhi Maidan, Patna.
8. The Assistant Area Development Officer, the Bihar Industrial Area Development Authority, (BIADA), Branch Office, Barauni, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nityanand Mishra, Advocate Mr. Balmeeki Pandey, Advocate Mr. Alok Abhinav, Advocate Ms. Pratibha, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha, AAG-7 Mr. Gyan Shankar, Advocate Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-12-2022

Heard learned counsel for the parties.

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



- (i) For issuance of writ in the nature of certiorari to quash and set aside the letter no. 5484 dated 29.11.2017(Annexure-27) issued by the Area Development Officer, Bihar Industrial Area Development Authority, (BIADA), Udyog Bhawan, East Gandhi Maidan, Patna (respondent no. 7) whereby and where under the application of the petitioner submitted on 8.11.2017 has not been considered by the respondent concerned relating to allotment of the land in favour of the petitioner for establishment of Bihar Bricks Works Industry at Begusarai in place of Bright Plastic Products (dissolved).
- (ii) Further for quashing of letter no. 4960 dated 2.11.2017 (Annexure-26) issued by the Area Development Officer, Bihar Industrial Area Development Authority, (BIADA), Udyog Bhawan, East Gandhi Maidan, Patna (respondent no.7) whereby and where under the application of the petitioner submitted on 9.6.2017 has not been considered by the respondent concerned relating to allotment of the land in favour of the petitioner for establishment of Bihar Bricks Works Industry at Begusarai in place of Bright Plastic Products (dissolved).
- (iii) For further quashing and setting aside the letter no.7308 dated 30.12.2014 (Annexure-20) issue by the Executive Director, BIADA, Patna (respondent no. 6) by which he has directed to the petitioner to construct boundary on the on the allotted land of Pawan Tiles and also remove encroachment from the dissolved Industrial Unit namely Bright Plastic Product.



- (iv) For further issuance of writ in the nature of Mandamus directing /commanding the respondents concerned specially the Executive Director, Bihar Industrial Area Development Authority, (BIADA), Udyog Bhawan, East Gandhi Maidan, Patna (respondent no.6) to make allotment of land in favour of the petitioner for establishment of Bihar Bricks Works Industry in place of Bright Plastic Products (dissolve) in the light of order dated 17.2.2008 passed in CWJC No. 7352/2007 and other analogous cases as well as the order dated 1.5.2008 passed in CWJC No. 6108/2008 by this Hon'ble Court for which the petitioner has already been submitted his application vide letter no.20/15 dated 13.1.2015 and letter nos.61/15 and 62/15 dated 15.1.2015 before the Managing Director, BIADA, Patna (respondent no. 4).
- (v) For granting stay the operation of further proceeding of letter no.7308 dated 30.12.2014 (Annexure-20) issued by the Executive Director, BIADA, Patna (respondent no.6) with regard to hand over the possession of the land in question to any other person/establishment for which the petitioner is entitled to and is in physical possession and also always ready for establishment of Industry namely Bihar Bricks Works, Barauni, Begusarai.
- (vi) For any other relief/reliefs for which the petitioner is entitled to in accordance with law.



It is stated at the Bar that third party right stands created, inasmuch as respondent BIADA has auction sold the property to the successful bidder and possession thereof stands handed over to him.

Let relevant documents of this transaction be supplied to the petitioner within next two working days.

Shri Girijish Kumar, learned counsel for the BIADA undertakes to do so and hand over the same to Shri Nityanand Mishra, learned counsel for the petitioner.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to file a fresh petition on the same and subsequent cause of action placing on record additional pleadings and materials.

Liberty as prayed for is granted.

As and when any such petition is filed, the same shall be processed and listed on priority basis.

The instant petition stands disposed of as



withdrawn with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2022
Transmission Date	

