

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12858 of 2022

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Manoj Kumar Srivastava S/o Ishwar Dayal Shrivastwa, Promoter of M/s Manoj Plastic Works, Industrial Area, Plot No. A-5, total area about 5000 sq. ft., R/o Mohl-Sohanpatti, P.S.-Buxar (T), Distt-Buxar-802101, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Industry Commissioner, Industry Department, Patna.
2. The Secretary, Industry Department, Government of Bihar, Patna.
3. The Managing Director, the Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
4. The Joint Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
5. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
6. The DGM, Industrial Area, Patna Cluster, Bihar Industrial Area Development Authority (BIADA).
7. The Assistant Regional Manager, Bihar Industrial Area Development Authority, Industrial Area, Buxar.
8. The Area In-Charge, Bihar Industrial Area Development Authority, Industrial Area, Buxar, P.S.-Buxar (Industrial Area), District-Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajiv Ranjan Kr. Pandey, Advocate
For the Respondent/s	:	Mr.Abbas Haider (SC 6)
For the BIDA		Mr. Yashraj Bardhan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-09-2022

Petitioner has prayed for the following relief(s):

“1. i) For issuance of a writ or writs,
order or orders, direction or directions for
commanding to the respondents and issue an



appropriate writ in the nature of certiorari to set aside the impugned Notice vide Memo no 746/D dated 23.02.2016 & Take over report of the unit dated 08.08.2022 issued under signature of The Managing Director, the Bihar Industrial Area Development Authority (BIADA) (Respondent No-5) & The Assistant Regional Manager, (Respondent No-7) respectively whereby and where under he has take over the unite of the petitioner (M/s Manoj Plastic works) along with other units.

ii) For that issue a writ in the nature of mandamus, commanding to the Respondents to compliance the lease deed agreement, accordingly petitioner paid the total dues demanded by the Respondents as per lease deed under OTS Scheme-2007.

iii) For that direct to the Respondents to strictly followed the principal of natural justice and compliance the mandate principles of Patna Industrial Area Development Authority, 1973 now made Bihar Industrial Area Development Authority, Bihar Industrial Policy 1986, Bihar Financial Act, 1981 etc.

iv) For that direct of the Respondents to not evict or dispossess the petitioner from peaceful possession over the land in question.

v) For that direct to the respondents to support the petitioner for smoothly functioning his Industry accordance to law.

vi) For that stay the operation of Impugned order contained as Annexure-1 & 2



till the disposal of this writ application and further restrained to the respondents to not taken any harass action against the petitioner and his unit.

1/A. For issuance of other writ/writs order/orders, direction/directions for which the petitioner is found entitle.”

Pursuant to our previous order dated 9th of September, 2022, petitioner has filed an affidavit furnishing his undertaking in the following terms:

“3. That the petitioner undertakes as follows:

a) Within 60 days, petitioner will start commercial production in the Unit, should the respondents hand over possession of the premises to the petitioner/recall the order of cancellation, failing which petitioner shall give vacant and peaceful possession of the premises to BIADA,

b) Within six months, petitioner shall make the Unit fully operational and functional 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 date,

d) Petitioner shall make itself compliant with all the statutory requirements, including the ones protecting interest of the employees,

e) In the event of failure on the part of the petitioner to comply with the undertaking, petitioner shall hand over the vacant and peaceful possession of the premises to BIADA with liberty for further allotment to 3rd party, when petitioner shall lose all rights therein and



f) Petitioner shall be liable for initiation of proceedings 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.

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 15th of September, 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;

(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 23.02.2016 passed by respondent no.5, namely the Managing Director, Bihar Industrial Area Development Authority, Patna (Annexure-1) and order dated 08.08.2022, taking over possession of the premises, 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	28.09.2022
Transmission Date	

