

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13450 of 2022

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M/s Jaishree Udyog through Niranjana Kumar Singh its proprietor, aged about 53 years, (male), S/o Late Shivdani Prasad Singh, resident of Rahatpur Ward No. 9, P.S.- Barauni, District- Begusarai, Bihar- 851211.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry, Govt. of Bihar, Old Secretariat, Patna.
2. Bihar Industrial Area Development Authority through its Managing Director, Udyog Bhawan, Gandhi Bhawan, P.O. and P.S.- Gandhi Maidan, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Gandhi Bhawan, P.O. and P.S.- Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Patna.
5. The Deputy General Manager, BIADA, Muzaffarpur Cluster.
6. The Regional Officer, BIADA, Barauni, Begusarai.
7. The Development Officer, BIADA Udyog Bhawan, Gandhi Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Apurva Kumar, Advocate Mr. Avinash Chandra, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9 Ms. Deepika Sharma, AC to SC-9 Mr. Piyush Lall, 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 : 27-09-2022

Heard learned counsel for the parties.

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



- a. for issuance of an appropriate writ for quashing the letter/office order dt.01.08.2022 (received on 11.08.2022), wherein and whereby the land allotted has been canceled by respondent BIADA, Begusarai, Cluster having its head office at First Floor Udiyog Bhawan, East of Gandhi Maidan, Patna – 800004.
- b. for direction upon respondent not to allot or create any third party right during the pendency of the present writ application.
- c. for direction upon the respondents to immediately and forthwith direct and call upon the petitioner and to settle the disputes as petitioner is ready to pay overdue amount and interest thereon without any penal interest.
- d. for directing the respondent/s to provide a fair opportunity to the petitioner to represent his case as till date no opportunity has been provided to the petitioner to represent his case as the petitioner and his father has been running the industry since 1973 in the name of *Sarvashree Jaishree Udyog*.
- e. For direction upon respondent specially BIADA to act in accordance with order dt.18.05.2022 as passed in CWJC No.6883/2020 (Umesh Servicing Station Vs State and other analogous case) as petitioner is ready and undertakes to abide the order dt.18.05.2022 in totality as well in its letter and spirit.
- f. for commanding the respondent to allow the petitioner to settle the dispute including clearance of dues, thereafter release the land/plot/industry sealed vide it office order dt.01.08.2022.



- g. for releasing the original allotment letter/documents/paper pertaining rather showing the ownership of land/plot allotted to petitioner way back in the year 1973 as it has been seized by lieu of inspection.
- h. for issuance of an appropriate writ for commanding the respondents to act in accordance with law.
- i. for any other reliefs for which petitioner is entitled during the course of arguments under law as well as facts.

On 16.09.2022, we had passed the following order:-

“Learned counsel for BIADA states that as on date no 3rd party right stands created.

Statement accepted and taken on record.

As agreed, petitioner will file an undertaking to this Court to the effect that (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.

Petitioner is ready and willing to furnish such an undertaking within next seven working days, failing which the petition shall stand dismissed for default.

Copy of the undertaking be supplied to learned counsel for the respondents.

However, BIADA has to recall the orders passed cancelling the allotment of the premises.

Let BIADA take a call on the offer made by the petitioner.

Learned counsel for the BIADA states that should the petitioner make an application for change of user, it would be considered in accordance with the industrial policy, provided the petitioner does not take any benefit in terms thereof.

We are sure that the respondent BIADA would take a decision in the affirmative, which, in our considered view, would be in public interest as also in the interest of the State to generate economic growth as also provide employment to the people.

List on 27th of September, 2022 so as to enable learned counsel for the petitioner to file an undertaking on affidavit to the aforesaid effect, and till then no coercive steps be taken against the petitioner.”



Petitioner has filed an undertaking being part of an affidavit dated 26.09.2022 in the following terms:

“3. That petitioner by way of present undertakes (also mentioned in para-09 of writ application) to fully abide the order of Hon’ble Court and by doing so affirms to follow as stated below and further petitioner undertakes to abide following as per order of Hon’ble Court that:-

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 the allotment;

c) Petitioner shall clear all the dues payable BIADA as on date;

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

e) In the event of failure on part to comply with the undertaking, 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 proceeding for having violated the undertaking furnished to the Court.”

In view of the aforesaid, petitioner’s undertaking is accepted and taken on record.

BIADA has no objection to the order being passed, as is so being passed in similarly situated cases to augment the industrial growth within the State of Bihar.

Petitioner’s undertaking that he would revive the unit within six months and make it fully operational and functional, is accepted and taken on record.

Consequence of breach thereof stands explained through the learned counsel.

This Court would not hesitate to not only initiate proceedings of contempt for violating such an undertaking, but also direct the BIADA to take over the possession of the property for allotment to a third party in accordance with law.

Present petition stands disposed of in the aforesaid terms.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/Anjani

AFR/NAFR	
CAV DATE	
Uploading Date	29.09.2022
Transmission Date	

