

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3671 of 2021

M/s Sanjeevani Enterprises, Plot 10-C Part Industrial Area Fatuha through its proprietor Krishna Kumar alias Krishna Prasad, aged about 60 years Son of Sri Gulabchand Singh, resident of Village-Raipura, Kewaltar, Fatuha, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industry Department, Govt. of Bihar Patna.
2. The Principal Secretary, Industry Department, Govt. of Bihar, Patna.
3. The Bihar Industrial Development Authority, 1st Floor Udyog Bhavan, East Gandhi Maidan, Patna through its Managing Director.
4. The Managing Director, Bihar Industrial Development Authority (hereinafter referred to as BIADA) 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Executive Director, BIADA, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
6. The Secretary, BIADA, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
7. The Development Officer, Fatuha Industrial Area, District Patna.
8. The Area Officer, Fatuha Industrial Area, District Patna.
9. M/s Shakambhari Agro Foods, Plot No. 10-C part Industrial Area, Fatuha, District Patna, through its proprietor.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate
For the Respondent/s : Mr. Y.P. Sinha, AAG-7
Mr. Girijish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 20-01-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.



2. The petitioner has put to challenge an order dated 05.12.2018, passed by the Principal Secretary, Department of Industries in Appeal Case No. 26 of 2016, whereby the petitioner's appeal against an order of the Managing Director, Bihar Industrial Area Development Authority (for short BIADA) dated 21.08.1997, cancelling allotment of an industrial plot in favour of the petitioner, was dismissed.

3. It is evident from the impugned order that the petitioner preferred the aforesaid appeal 16 years after passing of the order by the Managing Director, BIADA dated 21.08.1997.

4. The petitioner had earlier approached this Court by filing a writ petition giving rise to CWJC No. 491 of 2017, which came to be disposed of by an order dated 20.02.2017. Paragraph 4 of the said order reads thus :-

“4. As per the claim of the petitioner the land is under his occupation and the petitioner has been asked to deposit the arrears of amount, but the counter affidavit shows otherwise. The petitioner has filed the appeal being Appeal No. 26 of 2016 and has also filed supplementary grounds by way of Appeal No. 28 of 2016 before the appellate authority.”

5. This Court after having noticed as above, disposed



of the writ petition with a direction to the Appellate Authority to examine the petitioner's case and pass appropriate orders in accordance with law.

6. This is to be noted that initially, against the said order dated 21.08.1997, the petitioner had preferred an appeal before the Departmental Secretary in 2013, giving rise to Appeal No. 16 of 2013, which was dismissed by an order dated 28.05.2014. The petitioner again filed an application seeking review/ modification of the said order dated 28.05.2014, which gave rise to the aforesaid Appeal No. 26 of 2016. Considering the aforesaid observation made by this Court in its order dated 20.02.2017, the Principal Secretary passed an order afresh dated 05.12.2018, which is impugned in the present writ application.

7. On perusal of the impugned order, we find that the Principal Secretary has noted that the appellant had already lost the cause of action as the allotment of land had been cancelled and a new unit had already taken effective possession and is functioning. The industrial plot was admittedly not in possession of the petitioner.

8. In any view of the matter, the allotment of industrial plot in favour of the petitioner having been cancelled in 1997, we do not find any legal infirmity in the impugned



order passed by the Principal Secretary, Industries Department.

9. This writ application, in our view, has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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