

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18071 of 2019

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M/s S. K. Industries Industrial Area, Bihar Industrial Area Development Authority, Barauni through its Proprietor Shivajee Prasad Singh, aged about 62 years, Gender-Male, Son of Sri Ramsagar Prasad Singh, Resident of Village- Eghu, Police Station- Muffasil, Begusarai, Distt.- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Industrial Development Commissioner, Department of Industry, Govt. of Bihar, Patna
2. The Bihar Industrial Area Development Authority Udhog Bhawan, Gandhi Maidan, Patna-4, through its Managing Director
3. The Managing Director Bihar Industrial Area Development Authority, Udhog Bhawan, Gandhi Maidan, Patna-4
4. The Executive Director Regional Office, Bihar Industrial Area Development Authority, Darbhanga
5. The Development Authority Regional Office, Bihar Industrial Area Development Authority, Darbhanga
6. The Area Incharge Industrial Areas, Bihar Industrial Area Development Authority, Barauni

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh, Adv
For the Respondent/s : Mr.Subash Prasad Singh (GA3)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-07-2022

Heard learned counsel for the parties.

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

“That this is an application for issuance of an appropriate writ in the nature of certiorari for quashing the order dated 22.07.2019 passed in Appeal No. 30 of 2019 (Annexure-7), which was communicated through letter dated 26.7.19 and also for setting aside letter No. 121 dated 24.05.2011 (Annexure-5) issued under the signature of Area Incharge, Industrial Area, Bihar Industrial Area Development Authority, Barauni and for a direction in the nature of

mandamus commanding the respondents authority to restore the status of the unit in terms with order/judgment rendered vide order dated 18.03.2015 in LPA No. 353 of 2008 and other analogous cases with all other consequential benefits in terms thereof for which petitioner is entitled for.”

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

Relevant paragraphs whereof are reproduced as under:-

“Supplementary Affidavit on behalf of the petitioner above named:-

I, M/S S.K. Industries, Industrial Area, Bihar Industrial Area Development Authority, Barauni through it's proprietor Shivajee Prasad Singh, aged about 65 years, Gender-Male, Son of Sri Ramsagar Prasad Singh, Resident of village-Eghu, Police Station-Refinery Barauni, District-Begusarai, do hereby solemnly affirm and state as follows:-

1. That I am sole petitioner in this case and as such am well acquainted with the facts and circumstances of this case.

2. That the aforesaid writ application was filed seeking relief for quashing the order dated 22.07.2019, passed in Appeal Case No. 30/2019 and also for setting aside Letter No. 121 dated 24.05.2011 respectively and for a direction to restore the status of the unit in terms with order/judgment rendered vide order dated 18.03.2015 in LPA NO. 353 of 2008 and other analogous cases with all other consequential benefits in terms thereof for which petitioner is entitled for.

3. That during the pendency of the writ application, petitioner submitted his undertaking in terms with order/judgment rendered in CWJC No. 6883 of 2020 and other analogous cases on 09.06.2022 and same was copied to the authority concerned through speed post.”

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 29.06.2022 (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 22.07.2019 passed in Appeal Case NO. 30 of 2019 passed by Secretary, Department of Industries, Bihar, and order dated 24.05.2011 passed by respondent no. 6 Area Incharge, Industrial Area, Bihar Industrial Area Development Authority, Barauni, 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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA