

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16420 of 2019

Dr. Parwez Akhtar S/o Late Noorul Hoda, Resident of Mohalla Barhampura,
P.S. Barampura, Dist.Muzaffarpur, Director M/S Alpha Leather Industries
Private Limited, Bela Industrial Area, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry,
Govt. of Bihar, Patna
2. The Secretary, Department of Industry Govt. of Bihar, Patna
3. The Managing Director, Bihar Industrial Area Development Authority
(BIADA), Bihar, Patna
4. The Executive Director, Bihar Industrial Area Development Authority
(BIADA), Bihar, Patna
5. The Development Officer, Bihar Industrial Area Development Authority
(BIADA), Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Ranjan Kumar Dubey, Advocate
For the Respondent/s	:	Mr. Abbas Haider, SC-6 Mr. Piyush Lall, Advocate Mr. Girijish Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-08-2022

Heard learned counsel for the parties.

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

- (i) For issuance of writ in the nature of certiorari for quashing the order dated 15.07.2019 passed by Secretary, Department of Industries, Govt. of Bihar (respondent no.2) in Appeal No. 12/2019 communicated to the petitioner vide letter no. 3082 dated 15.07.2019 whereby and where under he has dismissed the appeal affirming the order dated



26.07.18 passed by MD, BIADA by which allotment of plot C-28 measuring 1 acre located in the Industrial Area, Bela Muzaffarpur was cancelled and his deposit was forfeited.

(ii) For issuance of writ in the nature of certiorari for quashing the order dated 26.07.2018 passed by MD BIADA as contained in Memo No. 4141/D dated 26.07.18 issued under the signature of Executive Director, BIADA (Respondent no. 4) by which the allotment and consequent lease in favour of the petitioner has been cancelled, amount paid for the allotment and lease deeds have been forfeited and direction has been issued for re-possession of the leased properties and recovery of outstanding amount.

(iii) For issuance of writ in the nature of command directing the respondents to open the lock of factory in question forth with.

(iv) For issuance of any other writ/writs, order/orders for which petitioner deemed entitled to.

On 18.08.2022, 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.

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, 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 two 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.

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 24th of August, 2022 so as to enable learned counsel for the petitioner to file an undertaking on affidavit to the aforesaid effect.”



Pursuant to our order dated 18.08.2022, petitioner has filed an undertaking on affidavit in the following terms:

2. That, present fresh supplementary affidavit is being filed in compliance of order dated 18.08.2022 for giving undertaking in view of order dated 18.05.2022 and 19.05.2022 passed in batch cases bearing CWJC No. 6883/2020 along with other

cases (including present case) in which it was directed to each of the writ petitioners to file their undertaking to comply with the proposal as indicated in order dated 18.15.2022.

3. That, in view of said order and observation petitioner is giving his undertaking that he will follow all the observation/instruction/conditions as indicated in order dated 18.05.2022.

4. That, petitioner will start his job work (Meat Preservation (Frozen Meat) & Packing Job Work) which was permitted by BIADA vide his Memo No. 1058 dated 30.04.2014 (Annexure-4 to writ petition). Petitioner is ready to start his job work (Meat Preservation (Frozen Meat) & Packing Job Work) within three month, he is also ready to ensure commercial production up to 50% within six months thereafter and will ensure commercial production minimum up to 75% within one year. Petitioner is also ready to abide all rules/regulations and laws.

5. That, though the cancellation is of year 2018 which is recent past nonetheless if respondent is of the view that this cancellation comes in the category of old cancellation then petitioner is ready to pay the current value of the land.



6. That, petitioner is also ready to comply all the rules and guidelines as enumerated in labour laws.

7. That, so far as change of user is concerned petitioner has given it on rent for job work to another person but now he is ready to rectify his mistake and will run his job work (Meat Preservation (Frozen Meat) & Packing Job Work) in accordance with law for which permission has already been granted by BIADA vide annexure-4 to writ petition.

8. That, petitioner is ready to abide all the conditions as detailed in order dated 18.05.2022 CWJC No. 6883/2020 along with batch cases and if he fail to do so then he may be prosecuted under to court of contempt act and BIADA may take possession over the land/unit.

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 20.08.2022 (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 within a period of two weeks;

(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 15.07.2019 passed by Secretary, Department of Industries, Government of Bihar (Respondent No. 2) in Appeal No. 12/2019 (Annexure-1) and order dated 26.07.2018 passed by MD BIADA, as contained in Memo No. 4141/D dated 26.07.2018, issued under the signature of Executive Director, BIADA (Respondent No. 4) (Annexure-2) are quashed and set aside.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	26.08.2022
Transmission Date	

