

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19597 of 2021

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M/s Hari Om Raw Rice Industries through its Proprietor namely Gayatri Devi wife of Lal Babu Jaiswal, resident of village-B.I.A.D.A, Purnia City, Ward No. 5, P.O.-Gulab Bagh, P.S.-Sadar, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industries Department, Bihar at Patna.
2. Principal Secretary, Department of Industries, Bihar Industrial Area Development Authority, Udhoyg Bhawan, Gandhi Maidan, Patna, District Patna.
3. Managing Director, Bihar Industrial Area Development Authority, Bihar at Patna.
4. The Executive Director, Department of Industries, Bihar Industrial Area Development Authority, Bhagalpur, District-Bhagalpur.
5. Regional In-charge, Industrial Department, Development Centre, Purnea City, District Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Ms. Shatakshi Sahay, Advocate
For the Respondent/s	:	Mr. Subhash Pd. Singh, GA 3 Mr. Devesh Shankaran, Advocate Mr. Pankaj Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 11-02-2022

Heard learned counsel for the parties.

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



- i. That the present writ application is being filed in the nature of the *Certiorari* for quashing the letter No. 100 dated 06.07.2020 issued under the signature of Regional In-charge, Bihar Industrial Area Development Authority, Purnea City by which the petitioner – firm has been directed to return the land situated at land No-2 (Part), Area-2003 8 ft² which was allotted for rice mill industry in the light of non-compliance of the rules of the B.I.A.DA and in the light of the memo No. 8755/D dated 25.11.2019 by which allotment has been cancelled ; on the ground that the petitioner – firm has never been noticed by the respondent authority at the time of cancellation of the land, there is complete violation of the principles of natural justice, the petitioner is ready to deposit the fees/amount in accordance with law;
- ii. For any other relief/Reliefs for which the petitioner is entitled for.

On 01.02.2022, we had passed the following
order:-

“ Shri Sumeet Kumar Singh, leaned counsel for the petitioner, undertakes to place on record all orders passed by BIADA in relation to the cancellation of the allotment.

Shri Sumeet Kumar Singh, learned counsel for the petitioner, under instructions, states that petitioner is ready and willing to revive the entire Unit and make it fully functional and operational within a period of six months from today. Also, petitioner is ready and willing to pay the entire outstanding dues payable to BIADA. This he shall do within a period of four weeks from today. Petitioner is also ready and willing to furnish an undertaking to this Court to the aforesaid effect and in the event of breach thereof, he shall be liable for not only forfeiture of the amount, all assets, but also initiation of proceedings of contempt.

Learned counsel appearing for BIADA states that



BIADA has no objection to such order being passed.

Let petitioner furnish an undertaking, complete in all respect, before this Court.

List this case on 8th of February, 2022.”

Petitioner has filed an undertaking being part of
I.A.No. 1 of 2022 in the following terms:

“9. That it is to state and submit that the petitioner is in-fact is also ready to deposit any interest that has occurred during the course of time.

10. That it is also to state and submit that the petitioner undertakes to revive the entire business within a span of six months.

11. That it is to state and submit that the petitioner also undertakes that if the petitioner fails to revive the business within the six months then any action be taken against the petitioner including initiation of the proceedings under the Contempt of the Court Act by this Hon'ble 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.

I.A. No. 1 of 2022 stands disposed of accordingly.

I.A.No. 2 of 2022 is not pressed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	15.02.2022
Transmission Date	

