

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14546 of 2022

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Baba Pulp and Fruist Limited, 136-C, 1st Floor, Maurya Lok Complex, Dak Bunglow Road, P.S.-Kotwali, Town and District-Patna, through its Director, Anil Kumar Sinha, aged about 59 years (Male), son of Late Bashishtha Narayan Sinha, resident of Samarpan House, Sheikhpura, P.O. B.V. College, P.S. Shastri Nagar, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, 2nd Floor, Vikas Bhawan, Bailey Road, Patna-800 015.
3. Bihar Industrial Area Development Authority through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna-800 004 Bihar.
4. The Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna-800 004 Bihar.
5. The Deputy General Manager, Bihar Industrial Area Development Authority.
6. The Joint Managing Director, Bihar Industrial Area Development Authority, Patna Cluster.
7. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Patna.
8. The Development Officer, Bihar Industrial Area Development Authority, Patliputra Industrial Area.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi, Advocate
For the Respondent/s : Mr.Abbas Haider (SC 6)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 01-11-2022

Petitioner has prayed for following reliefs:

“1) To issue an appropriate writ, order or direction in the nature of certiorari for quashing memo no. 129/P dated 16.08.2022 (Annexure 19) issued by the Respondent Deputy General Manager purportedly under the order of



Respondent Joint Managing Director whereby and where under the allotment of an area of 30,040 square feet out of total area of 47,590 square feet in Plot no. C-26, C-27 and C-28 in Patliputra Industrial Area, has been cancelled, on the ground that the same is completely illegal, arbitrary in nature and sans any jurisdiction.

ii) This Hon'ble Court may adjudicate and hold that the impugned order of cancellation of allotment contained in memo no. 129/P dated 16.08.2022 issued by the Respondent Deputy General Manager purportedly under the order of Respondent Joint Managing Director is de hors the provisions of the Bihar Industrial Area Development Authority Act, 1974.

iii) This Hon'ble Court may further adjudicate and hold that the Respondent Managing Director and other managerial personnel are not the Competent Authority under the Bihar Industrial Area Development Authority Act, 1974 to cancel the allotment of land made in favour of the Petitioner.

iv) This Hon'ble Court may further adjudicate and hold that the impugned order contained in memo no. 129/P dated: 16.08.2022 is in gross violation of Section 6 (2)(a) of the Bihar Industrial Area Development Authority Act, 1974 in terms of which the allottee ought to have been given an opportunity of 30 days to put up his case before cancellation of allotment...

v) This Hon'ble Court may further adjudicate and hold that the action of BIADA in keeping the issue of registration pending for years and then cancelling the allotment for non-utilisation of land is highly arbitrary and unreasonable in nature.

vi) This Hon'ble Court may further adjudicate and hold that it was the duty of BIADA to get the land released from the Court of Learned District and Sessions Judge, Patna and execute the lease deed in favour of the petitioner.

vii) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and



circumstances of the case.”

Learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition, reserving liberty to file afresh, should the need so arise.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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