

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19995 of 2021

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M/s Alankar Auto Sales and Service Pvt. Ltd. through its Director Udayan Priyaroop, Flat No. 201, Aawas Apartment, East Boring Canal Road, Near Rajapur Pul, P.O. - GPO, Patna, Bihar - 800001.

... .. Petitioner/s

Versus

1. The State of Bihar, through Additional Chief Secretary, Department of Industries, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Industries, Government of Bihar, Patna.
3. The Bihar Industrial Area Development Authority (BIADA), through the Managing Director, 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
4. The Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
5. District Magistrate, Patna.
6. The Executive Director, (BIADA), Patna, 1st Floor, Udyog Bhawan, Gandhi Maidan.
7. The Area Incharge, Industrial Estate Patliputra, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Ranjan, Advocate
For the State	:	Mr.Yogendra Prasad Singh, AAG-7
		Mr. Rajeev Kumar Sinha, AC to AAG-7
For the BIADA	:	Mr. Lalit Kishore, Sr. Advocate
		Mrs. Binita Singh, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

4 24-02-2022 Petitioner has prayed for the following relief(s):

“i. For setting aside the order contained in Memo No. 848/D dated 02.03.2020 (received on 06.03.2020) passed by Respondent No. 4 (The Managing Director, BIADA) wherein the land measuring an area of 10,150 Sq. Ft. has been



cancelled and for setting aside the order dated 08.10.2021 (communicated vide Memo NO. 3888 dated 3.11.2021) passed by respondent no. 2 (Additional Chief Secretary, Department of Industries-cum- Chairman, BIADA-cum- Managing Director, BIADA) in Appeal Case No. 34 of 2020 affirming the aforesaid order, since both the impugned orders are in complete violation of mandate of law as well as in teeth of the various orders passed by this Hon'ble Court whereby other similarly situated petitioners/allottees have been given opportunity for diversification of their product and further time frame of six months so as petitioner's case in this regard be also allowed.

ii. For direction and to hold that the aforesaid impugned order dated 08.10.2021 (communicated vide Memo No. 3888 dated 3.11.2021) passed in Appeal Case No. 34/2020 is illegal and in contravention to the settled principles of law i.e. **Nemo Judex in Causa Sua** (*No one should be made a judge on his own cause*) as the impugned order vide Memo No. 848/D dated 02.03.2020 has been passed by respondent no. 4 Managing Director and the order dated 08.10.2021 passed in Appeal Cse No. 34/2020 has been passed by respondent no. 2 Additional Chief Secretary, Department of Industries who is holding the same post at same time and as such liable to be quashed on this ground itself.

iii. For directing the respondents forthwith not to



take any coercive steps against the allotment of petitioner till disposal of this writ application.

iv. For any other relief or reliefs for which the petitioner be found entitled in the eye of law.”

By way of filing supplementary affidavit dated 21.02.2022, petitioner has furnished the following undertakings:

“i. That, I hereby give the undertaking that I will make my unit fully operational and functional within 6(six) months and start Alankar Auto Sales and service Pvt. Ltd. manufacturing plant or such other products as approved under the Bihar Industrial Investment Promotion Policy, 2016.

ii. That also undertakes that on receipt of dues amount payable by me to the BIADA, I will pay the same to the BIADA as on date.

iii. That I further undertake that in the event of my said unit not being made operational and functional by me within 6(six) months, I will hand over and the vacant and peaceful possession to BIADA.

iv. That I further undertakes that in the event of default I shall be liable for being prosecuted for having committed contempt of this Hon’ble Court.

The undertaking is accepted and taken on record.

Learned counsel for BIADA states that petition can be disposed of in terms of the undertaking so furnished.

Statement accepted and taken on record.

Consequence of breach of the undertaking, including



initiation of proceedings for contempt for 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 21.02.2022 (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;

(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 02.03.2020 passed by respondent no.4, namely The Managing Director, BIADA and the order dated 08.10.2019 (communicated vide Memo No.3888 dated 3.11.2021) passed by respondent no.2 namely Additional Chief Secretary, Department of Industries-cum-Chairman, BIADA-cum-Managing Director, BIADA, in Appeal Case No.34 of



2020 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)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	28.02.2022
Transmission Date	

