

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.582 of 2022

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Satyendra Prasad Arya, Son of Ishwar Prasad Arya Proprietor M/s S.S Enterprises, Station Road Police Station - Nawada, District- Nawada.

... .. 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, Patna.
3. The Bihar Industrial Area Development Authority through its Managing Director, Udyog Bhawan, East Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Regional In- charge, Industrial Area, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Madhu Prasun, Advocate Ms. Sangeeta Kumari Singh, Advocate
For the Respondent/s	:	Mr.Yogendra Pd. Sinha (AAG7) Mr. Rajeev Kumar Sinha, AC to AAG-7
For the BIADA	:	Mr. Kumar Priya Ranjan, Advocate Mr. Pallav, Advocate

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

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-03-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-



- (i) For issuance of appropriate writ/writs, order/orders, direction/directions quashing/setting aside the order dated 08.02.2016 of the Respondent No.4 i.e. the Executive Director as contained in his Memo No. 477/D, whereby the allotment of Plot No.B-6(P), area 5000 Sq. Ft. in the name of the firm of the petitioner in the Industrial Area, Nawada was cancelled and order dated 30.10.2018 of the Respondent No.2 i.e. the Principal secretary, passed in Appeal Case No.11/2016, whereby the allotment of the aforesaid plot was restored but with such harsh conditions which the appellant could not fulfill within the given time of 15 days, which was very short period.



- (ii) For issuance of appropriate writ/writs, order/orders, direction/directions commanding respondents to restore allotment of the aforesaid plot on original conditions of allotment especially in view of the fact that the said plot till date has not been allotted to any other person/firm and the petitioner has invested his life time savings on the said plot.
- (iii) For any other relief/reliefs for which the petitioner is entitled under law.

On 22.02.2022, we had passed the following order :-

“Learned counsel for BIADA states that as on date no 3rd party rights stand created.

Learned counsel for the petitioner states that petitioner is ready and willing to furnish an undertaking to this Court to the effect that (a) within six months, petitioner shall make the Unit fully operational and functional, for the category for which the land stood allotted; (b) also comply with all statutory provisions, including labour laws; (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 loose all rights therein and (f) also, petitioner shall be liable for initiation of proceedings for contempt for having violated the undertaking furnished to the Court.

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.

List on 08.03.2022, to enable the petitioner to file an undertaking.

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.”

BIADA, through the learned counsel, is agreeable to the same.

The petitioner has now filed a supplementary affidavit, *inter alia*, stating as under :-

“3. That the petitioner undertakes to comply with the aforesaid order of this Hon’ble Court in its true spirit and sense as directed.

4. That the petitioner craves indulgence of this Hon’ble Court to file further supplementary affidavits, if and when required or as directed by this Hon’ble Court.

5. That the contents of this supplementary affidavit have been read over and explained to me in Hindi from paragraph 1 to 5, which I understood and they



are true to the best of my knowledge and belief.”

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.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	10.03.2022
Transmission Date	

