

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16067 of 2022

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M/s Jai Hanuman Agro Chemical, Industrial Area Muzaffarpur, through proprietor Sujeet Kumar Shahi, aged about 44 years, male, son of Sri Baidyanath Prasad Shahi, resident of Mohalla- Gannipur, P.S.- Kazi Mohammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Industries, Govt. of Bihar, Patna.
3. The Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna through its Managing Director.
4. The Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Joint Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
6. The Deputy General Manager, Bihar Industrial Area Development Authority, Muzaffarpur Cluster, Regional Office, P.O.- MIC Bela, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prashant Sinha, Advocate
For the Respondent/s	:	Mr.Subhash Pd. Singh (GA3)
		Mr.Ghanshyam Sharma, AC to GA 3
		Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-12-2022

Petitioner has prayed for following relief (s) : -

“(i) For issuance of writ in the nature of certiorari for quashing of the order dated 28-10-2022 passed by the Principal Secretary, Department of



Industries, Govt. of Bihar, Patna in Appeal No. 96/2022 communicated vide memo no. 4889 dated 04-11-2022 whereby the appeal preferred by the petitioner against the cancellation of the Industrial Plot of the petitioner has been rejected on nonest grounds.

(ii) For issuance of writ in the nature of certiorari for quashing of the memo no. 1078 dated 28-06-2022 issued by the orders of the Joint Managing Director, Bihar Industrial Area Development Authority (hereinafter to be referred to BIADA) whereby the allotment of land bearing Plot No. A + C 02 & A + B1, area 7500 sft. situated in Industrial Area, Muzaffarpur has been cancelled.

(iii) For restraining the respondent BIADA from taking physical possession of the land of the petitioner and also for restraining them from reallocating it during the pendency of this writ application.

(iv) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.”

Pursuant to our previous order dated 25.11.2022, petitioner has now filed a supplementary affidavit furnishing the undertaking inter alia in the following terms:

“i. That I do hereby undertake that to re-start commercial production within a period of 60 days in the unit if the respondent hand over possession of the premises to the petitioner, which is means of my livelihood and also of the employees already working therein.



ii. That I do hereby undertake to make the unit fully operational and functional in terms of the product concerned and allowed to be manufactured as per the original terms of the agreement within the effective six months time.

iii. That I also undertake that I shall clear all the dues payable to BIADA as on date. However, as per the terms of allotment agreement, total amount of lease land for 90 years has been fully paid to BIADA under OTS Scheme.

iv. That I do hereby undertake to make compliances with all the statutory requirements including the ones protecting the interest of the employees.

v. That I do hereby undertake to comply with the undertaking furnished before the Hon'ble Court and in the event of failure, I will hand over the vacant land of the premises to the BIADA.

vi. That I do hereby undertake that I will be liable for initiation of proceeding for contempt for having violated intentionally the undertaking furnished before the Hon'ble Court in normal working situation/condition.”

Learned counsel for 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 25.11.2022 (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 28.10.2022 passed by respondent no.2, namely The Principal Secretary, Department of Industries, Government of Bihar, Patna in Appeal Case No. 96 of 2022 and the order dated 28.06.2022 under Memo. No. 1078 issued by the orders of respondent no.5 namely The Joint Managing Director, BIADA, are quashed and set aside.



Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/chn

AFR/NAFR	
CAV DATE	
Uploading Date	19.12.2022
Transmission Date	

