

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16460 of 2022

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M/s Alankar Mini Rice Mill a proprietorship firm, having its office at Plot No. A-4, Industrial Area, Buxar, Bihar, through its Proprietor Dinesh Kumar Ojha (Male) aged about 50 years S/o Narayan Ojha, R/o Vill- Ahirauli, P.S. and District- Buxar.

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority (BIADA) Udyog Bhawan, Gandhi Maidan, Patna through its Chairman cum-Managing Director.
2. The Chairman cum Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
3. The Joint Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
5. The DGM, Industrial Area, Patna Cluster, Bihar Industrial Area Development Authority (BIADA), Industrial Area, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey, Advocate
For the Respondent/s : 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)

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 : 02-12-2022

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

“A. For issuing a writ in the nature of certiorari or any other appropriate writ quashing the Appellate Order dated 09.11.2022 (Annexure-P/1) by the Respondent No.2 whereby and whereunder the appeal preferred



by the petitioner bearing Appeal No. 156/2022 against the Office Order bearing Memo no 46 dated 29.07.2022 passed by the Respondent No. 4 has been dismissed.

B. For issuing a writ in the nature of certiorari or any other appropriate writ quashing the office order bearing Memo no 46 dated 29.07.2022 (Annexure P/2) passed by the Respondent No. 4, whereby and whereunder allotment made to the Petitioner, of land admeasuring 5000 sq feet of land in Industrial Area, Buxar in the Year 1979 vide letter no. 688/D dated 22.08.1979 has been cancelled.

C. For issuing a writ of mandamus or any other appropriate writ directing the Respondents to restore the possession/allow the Petitioner to continue to work and run the unit of the allotted land.

D. For issuing appropriate order(s) staying all further proceedings and consequential actions pursuant to the Appellate Order dated 09.11.2022 (Annexure-P/1).

E. For passing such further or other order(s) as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Learned counsel for the petitioner has furnished his undertaking in the writ petition in the following terms:

"(a) within 60 days, petitioner will start/continue commercial production in the Unit, should the respondent BIADA hand over possession of the premises to the petitioner/recall the order of cancellation, failing which petitioner shall give vacant and peaceful possession of the premises to BIADA; (b) within six months, petitioner shall make the Unit fully operational and functional in terms of the product sanctioned and allowed to be manufactured as per the original terms of allotment or as otherwise permitted by this Hon'ble Court; (c) petitioners shall clear all the



dues payable to BIADA as on date (although there is no outstanding as of now); (d) petitioners 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 lose all rights therein and (f) petitioner understands that it shall be liable for initiation of proceedings for contempt for having violated the undertaking furnished to the Court.”

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

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 (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 09.11.2022, passed by respondent no. 2, namely The Chairman-cum-Managing Director, Bihar Industrial Area Development Authority, Patna in Appeal Case No. 156 of 2022 (Annexure-P/1) and order dated 29.07.2022, passed by respondent No. 5, namely the DGM, Industrial Area, Patna Cluster (Annexure-P/2) 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/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	08.12.2022
Transmission Date	

