

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16125 of 2022

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M/s Radha Rani Mustard Oil through its proprietor Abhishek Rajvansh,
Gender- Male, aged about 37 years, S/o Shailendra Kumar Ashram, R/o:- 3
Yamuna Ashram, Near Shiv Temple, Harinagar, Akbarnagar, Bhagalpur,
Bihar- 813223.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Industry, Govt. of Bihar.
2. The Principal Secretary, Bihar Industrial Area Development Authority (BIADA).
3. Bihar Industrial Area Development Authority (BIADA), UdyogBhawan, Gandhi Maidan, Patna through its Managing Director.
4. The Managing Director, Bihar Industrial Area Development Authority (BIADA) UdyogBhawan, Gandhi Maidan, Patna.
5. The Joint Managing Director, Bihar Industrial Area Development Authority (BIADA).
6. The Executive Director, North, Bihar Industrial Area Development Authority (BIADA).
7. The Deputy General Manager, Bhagalpur, Bihar Industrial Area Development Authority (BIADA).
8. The Area Incharge, Bihar Industrial Area Development Authority (BIADA) Industrial Area- Barari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate Mr. Sachin Kumar, Advocate Mr. Abhishek Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Abbas Haider, SC-6
For BIADA	:	Mr. Kumar Priya Ranjan, Advocate Mr. Ankur Apurv Singh, Advocate Mr. Vibhuti Kumar, Advocate

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



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-11-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(i) For quashing the order dated 02.11.2022. passed in Appeal Case No. 188/2022 communicated vide memo no. 4931 dated 7.11.22 by the Respondent No. 2 whereby and where under the appeal filed by the petitioner has been dismissed in a mechanical arbitrary, whimsical, pick and choose manner, whereas the similarly situated allottees have been given the benefits as are being by the Hon'ble Court in C.W.J.C. No. 6883/2020, M/s. Umesh Service Station vs. The State of Bihar and Ors. and in terms of Appeal No. 76/2022.

(ii) For setting aside the office order bearing Memo No. 607 dated 23.07.2022 by Respondent No. 3 Joint Managing Director whereby and where under the allotment of Plot No. D-1 (P), admeasuring an area of 10,000 Sq. Ft. within the Industrial Area, Barari has been cancelled on non-est, non-sustainable ground is complete violation of the principles of natural justice and other judicial precedents as laid down by Hon'ble High Court.

(iii) For declaration and to hold that the aforesaid impugned order dated 02.11.2022 passed in Appeal Case No. 188/2022 communicated vide memo no. 4931 dated 7.11.22 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. 607 dated 23.07.2022 has been passed by Respondent No. 4, Managing Director and the order dated 02.11.2022 passed in Appeal Case No. 188/2022 communicated vide memo no. 4931 dated 7.11.22 has been passed by respondent no. 2 Principal Secretary, Department of Industries who is colorably holding the same post at same time and as such liable to be quashed on this ground itself.

(iv) For a direction upon the Respondents to give the benefits as are being given to the similarly situated allottees in C.W.J.C. No. 13558/2022, C.W.J.C. No. 12560/2022, C.W.J.C. No. 6883/2020, C.W.J.C. No. 13037/2022 and other analogous cases.

(v) For directing the respondents forthwith not to take any coercive steps against the allotment of petitioner till disposal of this writ application.

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

Learned counsel for the petitioner has filed an undertaking on affidavit (Annexure-6), in the following terms:-

“(i) That, I, hereby undertake that within 60 days, I will start the unit, should the respondents hand over possession of the premises to the petitioner, failing which petitioner shall give



vacant and peaceful possession of the premises to BIADA.

(ii) That I also undertakes that within six months, I will make the Unit fully operational and functional in terms of the order of Hon'ble Court.

(iii) That also undertakes that I shall clear all the dues payable to BIADA as on date and shall make itself compliant with all the statutory requirements, including the ones protecting interest of the employees.

(iv) That I further undertake that I shall comply the provisions of labour law and other statutory compliances.

(v) That I further undertake that in the event of failure on the part of I shall hand over the vacant and peaceful possession of the premises to BIADA with liberty for further allotment to 3rd party.

(vi) That I further undertake that in the event of default I shall be liable for being prosecuted for having committed contempt of this Hon'ble Court”

Learned counsel for the 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 12.11.2021 (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 within a period of two weeks;

(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 02.11.2022 passed by the Principal Secretary, Department of Industries, Government of Bihar, Patna, in Appeal Case No. 188 of 2022 (Annexure-5) and the order dated 23.07.2022 passed by Respondent No. 3, namely, the Bihar Industrial Area Development Authority (BIADA), UdyogBhawan, Gandhi Maidan, Patna through its Managing Director (Annexure-4) 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)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	30.11.2022
Transmission Date	

