

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25592 of 2019

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M/s Maa Bhawani Body Builders, Industrial Growth Centre, Maranga (Purnea) through its proprietor namely Vijay Kumar Singh Yadav, aged about 52 years, (M), Son of Harinandan Prasad Singh, Ward No. 10, Simarbani, P.S. Bhargama, District- Araria, Bihar.

... .. Petitioner/s

Versus

1. State of Bihar through Principal Secretary, Department of Industry, Govt. of Bihar, Vikas Bhawan, Patna.
2. Managing Director, BIADA, Udyog Bhawan, Gandhi Maidan, Patna.
3. Executive Director (HQ), BIADA, Patna.
4. Executive Director, Regional Office, BIADA, Bhagalpur.
5. D.O., Regional Office, BIADA, Bhagalpur.
6. Area-In-Charge, Industrial Growth Centre, BIADA, Maranga Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anish Kumar, Advocate
For the Respondent/s	:	Mr.Lalit Kishore, AG
		Mr. Piyush Lall, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-08-2022

Petitioner has prayed for the following relief(s):

“(a) in the nature of certiorari quashing the order passed by the Executive Director, BIADA contained in Memo No. 137/d, dt. 15.03.2011 under approval of the Managing Director, whereby the allotment of .50 acre land for manufacture of ‘bus and maxi body construction’, has been cancelled without cogent reasons and without affording an opportunity of



hearing and proper statutory notice,

(b) in the nature of certiorari quashing the order dt. 22.07.2019 passed in Appeal Case No. 32/2019 passed by the Secretary, Department of Industry, Govt. of Bihar upholding the order of cancellation on amongst others the ground that the appeal was delayed, and that land was being misused, however, did not look into the pleadings of the petitioner and passed a mechanical order which is not in the interest of industrialization of the State and is deprived of appreciation of real facts and issues,

(c) for declaring and holding that the order of the Appellate Authority is quite mechanical and for directing the respondents not to disturb petitioner's possession and industrial activity over the land,

(d) for any other relief or reliefs as Your Lordship may consider appropriate in the facts of the case.”

Learned counsel for the BIADA states that the undertaking is in order.

Learned counsel for the petitioner states that petitioner is ready and willing to- (a) 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; (b) clear all the dues payable to BIADA as on date;



(c) make itself compliant with all the statutory requirements, including the ones protecting interest of the employees.

Statement accepted and taken on record as an undertaking.

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

Consequence of breach thereof, 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). Statement made by the petitioner is accepted and taken on record as an undertaking;

(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 22.07.2019 passed by the Secretary, Department of Industry, Govt. of Bihar, Patna in Appeal No. 32 of 2019 (Annexure-12) and the order dated 15.03.2011, passed by respondent No.4, namely The Executive Director, BIADA, Regional Office, Bhagalpur (Annexure-9) are quashed and set aside.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	26.08.2022
Transmission Date	

