

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2397 of 2023

M/s. Anju Industries through its proprietor Birendra Kumar, Male Aged about- 71 years, S/o- Gulab Chand Yadav, R/o- Ward No.- 32, Polytechnic, Anju Chura Mill, District- Saharsa Bihar 852201.

... .. Petitioner

Versus

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

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate Mr. Aman Raj, Advocate
For the Respondent/s	:	Mr. Vikash Kumar, SC-11 Mr. Rewti Kant Suman, AC to SC-11
For the BIADA	:	Mr. Girjesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioner, learned counsel for the Bihar Industrial Area Development Authority (hereinafter referred to as “the BIADA”) and learned counsel for the State.

2. Petitioner in the present case is seeking the following reliefs:-



“(i) For quashing the order dated 20.1.2023 passed in Appeal Case No. 253/2022 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 given 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 order bearing Memo No. 50 dated 16.09.2022 passed by the Respondent No. 7, The Deputy General Manager, Saharsa Cluster, Bihar Industrial Area Development Authority (BIADA), Saharsa (hereinafter referred to as ‘BIADA’) whereby and where under the allotment of land measuring an area of 6,800 Sq. Ft. bearing Plot No. A-1 for the establishment of Chura & Oil Mill within the Industrial Area- Saharsa has arbitrarily been cancelled, since the reason recorded therein is non-est, not sustainable that too being perverse and in complete violation of the principles of natural justice and against all canons of justice.

(iii) For declaration and to hold that the aforesaid impugned order dated 20.01.2023 passed in Appeal Case No. 253/2022 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. 50 dated 16.09.2022 has been passed by Respondent No. 7 The Deputy General Manager, Saharsa Cluster, Bihar Industrial Area Development



Authority (BIADA), Gaya and the order dated 20.01.2023 passed in Appeal Case No. 253/2022 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.”

3. By filing an interlocutory application being I.A. No. 1 of 2023, the petitioner has prayed for an additional relief by way of quashing of the letter no. 13/3 dated 30.01.2023 issued under the signature of the Assistant Area Manager, Industrial Area, Saharsa whereby he has been directed to handover peaceful possession of Shed No. A-1 in Industrial Area, Saharsa.

4. I.A. No. 2 of 2023 has been filed for early hearing.

5. At the outset, Mr. Sanjeev Ranjan, learned counsel for the petitioner has placed before this Court a copy of the order dated 01.05.2023 passed in **CWJC No. 6165 of 2023**



(M/S Ludhiana Hosiery Vs. The State of Bihar and Ors) and the order dated 15.01.2019 passed in **CWJC No. 1057 of 2019 (Sarvashree Anand Engineering Vs. The State of Bihar and Ors)**.

6. Learned counsel submits that instead of assailing the impugned orders on merit, he would request this Court to pass a similar order as has been passed in the case of **M/S Ludhiana** (Supra) in the light of the Hon'ble Division Bench judgment of this Court in **CWJC No. 18255 of 2022 (M/S Mahendra Ice Cream Factory Vs. The Managing Director, Bihar Industrial Area Development Authority)**.

7. Mr. Girijesh Kumar, learned counsel for the BIADA submits that he would have no objection if this writ application is disposed of in terms of the observations and directions of this Court as contained in the order dated 01.05.2023 passed in CWJC No. 6165 of 2023.

8. Having regard to the facts and circumstances of the case, this Court finds that in this case, the petitioner is seeking only an indulgence as a matter of last resort to allow him to run the industrial unit.

9. In case of **M/S Ludhiana** (Supra), after taking note of the Hon'ble Division Bench judgment of this Court in the



case of **M/S Mahendra Ice Cream Factory** (Supra), this Court has passed the following order:-

“Having heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the BIADA, this Court is of the considered opinion that in the facts of the present case as the petitioner is seeking only an indulgence as a matter of last resort to allow him to establish and run the industrial unit, the petitioner may, if so advised, file an appropriate representation before the BIADA which will be considered by the Managing Director of BIADA keeping in view the Hon’ble Division Bench orders of this Court passed in C.W.J.C. No. 18255/2022 and other similar matters. ”

10. This case is also being disposed of in terms of the order dated 01.05.2023 passed in the case of **M/S Ludhiana** (Supra).

11. Let the competent authority of BIADA act accordingly.

(Rajeev Ranjan Prasad, J)

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