

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6165 of 2023

M/S Ludhiana Hosiery through its propreitor - Ranjit Kumar, Male, aged about 37 years, S/o DipLal Prasad, resident of village- Malahi, P.S.- Areraj, District - East Champaran, Motihari.

... .. Petitioner

Versus

1. The State of Bihar through The Additional Chief Secretary, Industries Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Industries Department, Government of Bihar, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
4. The Joint Managing Director, Bihar Industrial Area Development Authority.
5. The Executive Director, South, Bihar Industrial Area Development Authority, Regional Office Muzaffarpur Cluster.
6. The Deputy General Manager, Muzaffarpur Cluster, Bihar Industrial Area Development Authority, Muzaffarpur.
7. The Area Incharge, Industrial Area Raxaul, East Champaran.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Amarendra Kumar, Advocate
For the BIADA	:	Mr.Yash Raj Bardhan, Advocate
For the State	:	Mr. Vipin Kumar, AC to AG

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar Industrial Area Development Authority (in short the ‘BIADA’).

Petitioner, in the present case, is questioning the order dated 15.03.2023 passed by the Additional Chief Secretary, Department of Industries, Government of Bihar in Appeal No. 40/2023 by which the appeal preferred by the petitioner for setting aside the order of cancellation of the allotment of



industrial plot in the name of M/s Ludhiana Hosiery, Raxaul has been dismissed.

Learned counsel for the petitioner, instead of assailing the impugned orders on merit, submits that the possession of the unit/plot has already been taken over by the BIADA but at this stage the petitioner is willing to file an undertaking that within 60/90 days from the handing over of possession by BIADA the petitioner will start commercial production and in case of his failing to do so, BIADA shall take-over the vacant and peaceful possession of the premises from the petitioner.

Learned counsel relies upon an order dated 31.01.2023 passed by Hon'ble Division Bench of this Court in C.W.J.C. No. 18255/2022 (M/s Mahendra Ice Cream Factory Vs. The Managing Director, Bihar Industrial Area Development Authority). It is submitted that the case of the petitioner may be considered on similar lines.

Learned counsel for the BIADA does not dispute that the Hon'ble Division Bench order dated 31.01.2023 passed in C.W.J.C. No. 18255/2022 of this Court has attained finality, however, it is his submission that the said order is not a judgment on the merit of the case, therefore, no definite view may be taken in the present case on the basis of the said 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.

It is expected that the Managing Director, BIADA shall take an uniform view of the matter in the light of the orders of the Hon'ble Division Bench of this Court passed from time to time in similar matters.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

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