

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5309 of 2023

M/S Mahaveer Body Builder Corporation through Arvind Kumar, aged about 60 years, Male, Son of Late Jageshwar Ram, Resident of Station Road, Rajbhog Gali, Mohan Bigha, Dehri On Sone, Police Station- Dehri, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industry Department, Government of Bihar, Patna.
2. The Managing Director, Bihar Industrial Area, Development Authority, Udyog Bhawan, Gandhi Maidan, Patna, Bihar.
3. The Executive Director, Udyog Bhawan, Gandhi Maidan, Patna.
4. The Deputy General Manager, Gaya Coulastor, Gaya, B.I.D.A.
5. The Deputy Manager, Industrial Area, Development Authority, Industrial Premises, Dehri On Sone, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar, Advocate
For the State	:	Mr. Yashraj Bardhan, Advocate
	:	Mr. Zaki Haidar (AC to S 9)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

3 17-05-2023 Heard learned counsel for the respective parties.

2. In the instant petition, petitioner has prayed for the following reliefs:-

"(i) To issue rule in the nature of certiorari to quash the impugned order dated 07.03.2023 passed in Appeal Case No. 356 of 2022 by Principal Secretary, Department of Industry, Bihar, Patna, by which 44000 Sq. feet land allotted in Industrial Area, Dehri, to the petitioner has been cancelled.

(ii) To issue Rule and thereby quash the impugned order dated 09.12.2022 passed by Deputy Managing Director vide memo No. 325 dated 09.12.2022, by which 44000 Sq. feet



(Forty Four thousand) land allotted in Industrial Area, Dehri, has been cancelled.

(iii) To command the Respondent to open the seal applied on the gate of Industrial Corporation by the Respondent and handover possession of the allotted area to the petitioner.

(iv) To grant any other relief or reliefs to which, the petitioner is legally entitled."

3. The petitioner is stated to have been allotted industrial plot for running body building of the vehicles. The concerned authorities were stated to have inspected the industrial premises of the petitioner and found that in addition to body building of the vehicles the petitioner had established vehicles service unit or center. Such establishment of vehicles service center or unit is not permissible, therefore, respondent authorities have proceeded to cancel the industrial plot allotted to the petitioner.

4. Perusal of the impugned order, it does not refer to any of the policy decision of the government or the concerned authorities like BIADA that if industrialist sold with an industrial plot to a particular industry he cannot switch over or add any other business so as to take action against the petitioner for cancellation of industrial plot allotted to him. That apart, as on the date of passing appellate authority order on 07.03.2023 the petitioner was not present.



5. In the light of these facts and circumstances, the order of the appellate authority dated 07.03.2023 (Annexure- 9) stands set aside and Appeal No. 356 of 2022 stands restored the file in the office of the appellate authority.

6. The appellate authority is hereby directed to consider Appeal No. 356 of 2022 afresh within a period of three months. In the meanwhile, the petitioner is permitted to file additional statement of facts or grounds if he intends to do so.

7. With the above observations, the present writ petition stands allowed.

(P. B. Bajanthri, J)

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