

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6231 of 2023

M/s Shankar Suwan Cold Storage Pvt. Ltd. through its Proprietor namely Uday Shankar Singh, Gender-Male aged about 59 years, S/o Late Lakshman Singh, R/o Maharaja Building, Karman Tola, Ara, District-Bhojpur, Bihar-802301.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government 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 (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
6. The Executive Director (Administration), Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
7. The Deputy General Manager, Bihar Industrial Area Development Authority (BIADA), Patna Cluster.
8. Area Incharge BIADA, Industrial Cluster, Giddha, Bhojpur.
9. The Assistant Regional Manager, Industrial Development Centre, Giddha, Bhojpur.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.P.N.Shahi, Sr. Advocate Mr.Rajesh Ranjan, Advocate
For the State	:	Mr.Vivek Prasad, GP-7
For BIADA	:	Mr.Pankaj Kumar Sinha, Advocate Mr.Girish Kumar, Advocate Mr.Devesh Shankaran, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-05-2023 Heard Mr. P. N. Shahi, learned senior counsel assisted by Mr. Rajesh Ranjan, learned counsel for the petitioner. Mr. Vivek Prasad, learned counsel for the State and Mr. Pankaj Kumar Sinha, learned counsel for Bihar Industrial



Area Development Authority (in short “BIADA”).

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

“i. For setting aside the order dated 31.03.2023 passed in Appeal No. 41/2023 by Respondent No. 2 (The Principal Secretary, Department of Industries, Government of Bihar, Patna) whereby and whereunder the appeal filed by the petitioner has been dismissed in a mechanical, arbitrary and in whimsical and pick & choose manner. And, for setting aside the consequential steps taken pursuant to the order dated 31.03.2023 passed in Appeal No. 41/2023 as contained in report dated 01.04.2023 issued under the signature of Assistant Regional Manager, Industrial Development Centre, Giddha.

ii. For quashing the Office Order bearing Memo No. 644 Dated 29.11.2022 passed by Respondent no. 7 (The Deputy General Manager, Bihar Industrial Area Development Authority (BIADA), Patna Cluster) whereby and whereunder the plot admeasuring an area of 2 acres and further an area of 21780 sq. ft. of land allotted to the petitioner in the year 2002 and 2007 respectively vide Letter No. 94/D dated 09.02.2002 and vide Letter No. 228/D dated 02.02.2007 respectively, initially for the establishment of Cold Storage which was later on changed to establish flour mill within the Industrial Growth Center, Giddha on Plot No. MUP III (P)/NS & B-15, B-16 (P) (area of 2 acres) and on plot no. MUP-3 (Part) (area



21,780 sq. ft.) has been cancelled on non-est, non-sustainable ground in complete violation of the principles of natural justice and other judicial precedents as laid down by the Hon'ble High Court of the Judicature of Patna.

iii. For directing the Respondents forthwith not to take any coercive steps against the allotment of petitioner, and to handover the possession of the unit forthwith to the petitioner till the disposal of this Writ Application.

iv. For any other relief/s for which the petitioner be found entitled in the eye of the law.”

At the outset, learned senior counsel for the petitioner submits that he is not challenging the impugned orders on merit but is seeking an indulgence from BIADA to allow the petitioner to establish and run the industry within a time-frame.

Learned senior counsel submits that in several cases of similar nature, the Hon'ble Division Bench of this Court has directed BIADA to take a call on the offer made by the petitioner. One of the orders placed before this Court is the order dated 24.11.2022 passed in CWJC No. 15974 of 2022 (M/s Mono Distributers Versus The Managing Director, Bihar Industrial Area Development Authority & Ors.).

Learned counsel submits that this Court has in



earlier cases being CWJC No. 6165 of 2023 and CWJC No. 6166 of 2023 issued directions to the Managing Director of BIADA to consider the case of the petitioner in those cases in light of the orders of the Hon'ble Division Bench of this Court. It is submitted that this writ application may also be disposed of in similar terms.

Learned counsel for the State as well as learned counsel for the BIADA have not raised any objection in issuing a direction to the Managing Director of BIADA to considering the case of the petitioner in the light of the Hon'ble Division Bench Judgment/ order of this Court in similar matters.

In such circumstances, this Court is disposing of the present writ application with a direction to the Managing Director of BIADA in similar terms as have been ordered in CWJC No. 6165 of 2023 and CWJC No. 6166 of 2023.

This writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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