

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13134 of 2019**

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M/s Vijayam Educational Trust Having its registered office at Catalyst House, behind Shri Krishna- Puri Park, Patna- 800001 through its Managing Trustee Sri Neeraj Agarwal aged about 39 Years (Male) S/o Basant Kumar Agrawal R/o 701, Gangotri Apartment, Exhibition, Road, Patna-800001.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Industries, New Secretariat, Bailey Road, Patna- 800001.
2. Managing Director Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna- 800004.
3. The Director Technical Development, Department of Industries, New Secretariat, Bailey Road, Patna- 800001.
4. Executive Director Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna- 800004.

... .. Respondent/s

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**Appearance :**

|                           |   |                                  |
|---------------------------|---|----------------------------------|
| For the Petitioner/s      | : | Mr. Sanket, Advocate             |
| For the Respondent/BIADA: |   | Mr. Pankaj Kumar Sinha, Advocate |
|                           |   | Mr. Devesh Shankar, Advocate     |
| For State                 | : | Mr. Rakesh Ambastha, AC to AAG 7 |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**ORAL JUDGMENT**

**Date : 16-05-2023**

Heard learned counsels for the respective parties.

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

“(i) For issuance of writ in the nature of Mandamus directing the Respondent Number 2 & 4 to hand over plot No. A-3 in Mega Industrial Park Bihta (Institutional Area) Ad-measuring 10 Acres of land – for establishment of Integrated Higher and Technical Educational Institution – in terms of their letter number 2728 dated 29/04/2013 and allotment letter number 4595/D/262/Dev/BIADA/2013 dated 27/06/2013 – for



which the first instalment of Rs. 1,61,90,350/- has already been deposited with the respondent Bihar Industrial Area Development Authority on 12/07/2013.

(ii) Alternatively, For issuance of writ in the nature of Mandamus directing the respondent Bihar Industrial Area Development Authority to provide the petitioner with an alternative plot of the same size for the same price at another of its acquired location in and around the township of Patna.

(iii) Any other relief or reliefs to which the petitioners may be found entitled to in the facts and circumstances of the case.”

3. In the policy decision of Bihar Industrial Area Development Authority (hereinafter referred to as ‘BIADA’) certain lands were earmarked for the purpose of education. Accordingly, petitioner was allotted land and first installment of Rs. 1,55,48,742/- along with tax and demarcation charges total amounting to Rs. 1,61,90,350/- is stated to have been paid on 12.07.2013. Clause 5 of the allotment letter dated 27.06.2013 has not been complied by the respondent BIADA to the extent of handing over the subject land and thereafter accepting balance six installments amount. In this regard, there were no correspondence among the BIADA or the petitioner for about five years. The petitioner submitted representation on 23.04.2018 and thereafter some more representations are stated to have been filed. The last representation is dated 20.06.2019.



4. Learned counsel for the petitioner submitted that identical persons who were allotted plots, they have been allotted alternative lands whereas the petitioner has been discriminated. In the light of these facts and circumstances, the petitioner's grievance shall be redressed and detailed speaking order shall be passed in the event of non-redressing the petitioner's grievance. The concerned authority has to take note of the discrimination alleged to have been meted out to the petitioner. Such exercise shall be undertaken by the competent authority within a period of three months from the date of receipt of this order.

5. Accordingly, writ petition stands disposed of.

**(P. B. Bajanthri, J)**

GAURAV S./-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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