

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14372 of 2022

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Muniruddin Son of Mohd. Kamruddin Resident of D-2/161, B- Gali No.-2,
3rd Pusta, Sonia Vihar, Delhi- 110094.

... .. Petitioner/s

Versus

1. The State of Bihar Through Chief Secretary, Industrial Department.
2. The Bihar Industrial Area Development Authority, Patna, 1st Floor Udyog Bhavan East Gandhi Maidan, Patna- 800004, through its Chairman.
3. The Chairman, Bihar Industrial Area Development Authority, Patna, 1st Floor Udyog Bhavan East Gandhi Maidan, Patna- 800004.
4. The Chairman and Managing Director, MSTC.
5. The Chairman, Infrastructure Development Authority, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Prakash Shharma, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha (AAG-7)
For the BIADA	:	MR. Yashraj Bardhan, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 13-04-2023 In the instant writ petition, petitioner has prayed for
the following relief(s):-

“I. For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the respondent to give possession of materials including building, plant and machinery as specified in Lot No. 9 (Lot Name Baijnathpur Paper Mill) of the auction catalogue (Annexure-1 & 3 as was displayed on live e-auction floor by the respondent at the time of e-auction dated 19.07.2022 in which the petitioner was declared to be the highest bidder and whose bid was



provisionally accepted on 20.07.2022 subject to the final approval by the seller as the petitioner had purchased the lot no.09 on being satisfied that materials includes not only plants and machinery but also building of the said lot no.09(Baijnathpur paper mill) and also taking note of one of the conditions of the bid that items mentioned in lot no. 09 of the auction catalogue would be treated final and binding for both parties on conclusion of the contract after 45 days.

II. For issuance of an appropriate writ/s, order/s, direction/s in the nature of CERTIORARI to quash auction catalogue (annexure- 7) which was subsequently sent to the petitioner attached with e mail dated 06.09.2022 as it described a new condition with reference to lot no. 09 contrary to the original catalogue(annexure-1 & 3) displayed at the time of auction on 19.07.2022 by the respondent, seeking to excluding building in the guise of shed of the said mill arbitrary manner in an from lot no. 09 lot name- Baijnathpur Paper Mill) after the lapse of 45 days i.e. the period during which the offer was subject to approval or rejection by the respondent as after 45 days of final acceptance of bid of the petitioner, the respondent is not entitled to bring about any change in the items mentioned in lot no.09 as after 45 days the contract between parties stands concluded.

III. for issuance of an appropriate writ in the nature of CERTIORARI to quash the letter 2611(annexure -6) whereby the respondent no. 5 has illegally authorised a private person to get the renovation work of the building of said paper mill in sheer violation of the terms and condition of the auction catalogue of the respondent in so far as lotno.09 (lot name: Baijnathpur Paper Mill is concerned as it amounts to breach of



the contract already concluded between the petitioner and the respondents.

IV. for issuance an appropriate direction to restrain the respondent from getting any renovation work done with respect to building of Baijnathpur paper mill included in lot no. 09 of the original catalogue.

V. For any other relief which the Hon'ble court may deem fit and proper in the facts and circumstance of the case.”

Prima facie, the present writ petition is not maintainable, since the petitioner has not established that he had statutory and legal rights followed by demand before the competent authority.

Accordingly, the writ petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/Daya/-

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