

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17201 of 2022

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Baba Pulp and Fruits Limited 136-C, 1st Floor, Maurya Lok Complex, Dak Bungalow Road, P.S. Kotwali, Town and District-Patna, through its Director, Anil Kumar Sinha, aged about 59 years (Male), son of Late Bashishtha Narayan Sinha, resident of Samarpan House, Sheikhpura, P.O. B.V. College, P.S. Shastri Nagar, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, 2nd Floor, Vikas Bhawan, Bailey Road, Patna-800 015.
3. Bihar Industrial Area Development Authority through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna-800 004, Bihar.
4. The Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna-800 004, Bihar.
5. The Deputy General Manager, Bihar Industrial Area Development Authority.
6. The Joint Managing Director, Bihar Industrial Area Development Authority, Patna Cluster.
7. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Patna.
8. The Development Officer, Bihar Industrial Area Development Authority, Patliputra Industrial Area.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Avinash Shekhar, Advocate Mr. Rohit Singh, Advocate Mr. Diwanshi Rohatgi, Advocate Mr. Suraj Samdarshi, Advocate
For the Respondent/s	:	Mr. Subhash Pd. Singh, GA-3 Mr. Ghanshyam Sharma, A.C. to G.A. 3 Mr. Piyush Lall, Advocate Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

3 24-01-2023 Petitioner has prayed for the following relief(s):



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- i) To issue an appropriate writ, order or direction in the nature of *certiorari* for quashing order dated 15.10.2022 (Annexure 20) passed by the Respondent Principal Secretary, Department of Industries in Appeal Case No. 207 / 2022 whereby and where under the well-founded appeal of the Petitioner against order dated 16.08.2022 passed by Respondent Deputy General Manager cancelling the allotment of an area of 30,040 square feet out of total area of 47,590 square feet in Plot no. C-26, C -27 and C-28 in Patliputra Industrial Area, has been rejected on wholly erroneous grounds and without considering the facts and circumstance of the case.
- ii) To issue an appropriate writ, order or direction in the nature of *certiorari* for quashing memo no. 129/P dated 16.08.2022 (Annexure 19) issued by the Respondent Deputy General Manager purportedly under the order of Respondent Joint Managing Director whereby and where under the allotment of an area of 30,040 square feet out of total area of 47,590 square feet in Plot no. C-26, C -27 and C-28 in Patliputra Industrial Area, has been cancelled, on the ground that the same is completely illegal, arbitrary in nature and sans any jurisdiction.



- iii) This Hon'ble Court may adjudicate and hold that the impugned order dated 15.10.2022 is bad in the eyes of law since the appellate authority failed to consider this aspect of the matter that BIADA had failed in executing a lease deed in favour of the petitioner.
- iv) This Hon'ble Court may adjudicate and hold that the impugned order of cancellation of allotment contained in memo no. 129/P dated 16.08.2022 issued by the Respondent Deputy General Manager purportedly under the order of Respondent Joint Managing Director is *de hors* the provisions of the Bihar Industrial Area Development Authority Act, 1974.
- v) This Hon'ble Court may further adjudicate and hold that the Respondent Managing Director and other managerial personnel are not the Competent Authority under the Bihar Industrial Area Development Authority Act, 1974 to cancel the allotment of land made in favour of the Petitioner.
- vi) This Hon'ble Court may further adjudicate and hold that the impugned order of cancellation of allotment contained in memo no. 129/P dated 16.08.2022 is in gross violation of Section 6 (2)(a) of the Bihar Industrial Area Development Authority Act, 1974 in terms of which the allottee ought to have been given an opportunity of 30 days to put up his case before cancellation of allotment.



- vii) This Hon'ble Court may further adjudicate and hold that the action of BIADA in keeping the issue of registration pending for years and then cancelling the allotment for non-utilisation of land is highly arbitrary and unreasonable in nature.
 - viii) This Hon'ble Court may further adjudicate and hold that it was the duty of BIADA to get the land released from the Court of Learned District and Sessions Judge, Patna and execute the lease deed in favour of the petitioner.
 - ix) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.
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Learned counsel for the petitioner submits that pursuant to a scheme of the respondent BIADA dated 15.12.2022, which allows change in the management as also change of unit, learned counsel for the petitioner seeks permission to withdraw this application with liberty to make an appropriate application before the respondent BIADA for the same.

This application is permitted to be withdrawn with the aforesaid liberty.

It goes without saying that in case the application filed by the petitioner in terms of the aforesaid scheme is not



allowed, the petitioner will have liberty to file a fresh application for the relief prayed for in the instant application or any cause of action arising hereafter.

The instant application stands disposed of as withdrawn with the aforesaid liberty/observation.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

P.K.P./Amrendra

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