

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.276 of 2023

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M/s Maranga Food Products through its authorized proprietor Kundan Kumar, male, aged about 37 years, S/o Prabhat Prasad Yadav, R/o - Ward no 08, Maranga West, Maranga, Purnia, Bihar – 854303. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Industry, Govt. of Bihar.
2. The Principal Secretary, Bihar Industrial Area Development Authority (BIADA).
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).
6. The Executive Director, North, Bihar Industrial Area Development Authority (BIADA).
7. The Deputy General Manager, Bhagalpur Cluster, Bihar Industrial Area Development Authority (BIADA).
8. The Area Incharge, Industrial Area-Barari, Bihar Industrial Area Development Authority (BIADA).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate
For the Respondent/s : Mr. Yogendra Prasad Sinha, AAG 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-02-2023

Petitioner has prayed for the following relief(s) :-

(i) For quashing the order dated 13.10.2022 passed in Appeal Case No. 118/2022 communicated vide memo no. 4780 dated 26.10.2022 by the Respondent No. 2 whereby and where under the appeal filed by the petitioner has been dismissed in a mechanical arbitrary, whimsical, pick and choose manner, whereas the



similarly situated allottees have been given the benefits as are being by the Hon'ble Court in C.W.J.C. No. 6883/2020, M/s. Umesh Service Station vs. The State of Bihar and Ors. and in terms of Appeal No. 76/2022.

(ii) For setting aside order bearing Memo No. 471 dated 23.06.2022 passed by the Respondent No. 5 Joint Managing Director of Bihar Industrial Area Development Authority (hereinafter referred to as 'BIADA') whereby and whereunder the allotment of land measuring an area of 17.424 Sq.Ft. bearing Plot No. 86 for the manufacturing of Makhana processing within the Industrial Area- Bhagalpur has arbitrarily been cancelled, since the reason recorded therein is non-est, not sustainable that too being perverse and in complete violation of the principles of natural justice and against all canons of justice.

(iii) For declaration and to hold that the aforesaid impugned order dated 13.10.2022 passed in Appeal Case No. 118/2022 communicated vide memo no. 4780 dated 26.10.2022 is illegal and in contravention to the settled principles of law ie. Nemo Judex in Causa Sua (No one should be made a judge on his own cause) as the impugned order vide Memo No. 471 dated 23.06.2022 has been passed by Respondent No. 4 Managing Director and the order dated 13.10.2022 passed in Appeal Case No. 118/2022 communicated vide memo no. 4780 dated 26.10.2022 has been passed by respondent no. 2. Principal Secretary, Department of Industries who is colorably holding the same post at same time and as such liable to be quashed on this ground itself.

(iv) For a direction upon the Respondents to give the benefits as are being given to the similarly situated allottees in CWJC. No. 13558/2022. C.W.J.C. No. 12560/2022, C.W.J.C. No. 6883/2020, CWJ.C. No. 13037/2022 and other analogous cases.

(v) For directing the respondents forthwith not to take any coercive steps against the allotment of till disposal of this writ application.

(vi) For any other relief or reliefs for which the



petitioner be found entitled in the eye of law.”

By way of a supplementary affidavit dated 19.01.2023,
petitioner has given undertakings in the following terms:-

“i. That, I hereby undertake that within sixty/ninety days, I will start commercial production with BIADA from the date of handing over of possession of the premises to the me/recall of the order of cancellation.

ii. That I also undertake that within six/nine months, I shall make the Unit fully operational and functional at least to the capacity of 80% for the product sanctioned and allowed to be manufactured as per the original terms of allotment.

iii. That also undertakes that I shall clear dues payable to BIADA and shall be done within four weeks from the date of handing over possession/recall of order of cancellation.

iv. That I also undertake to make itself compliant with all mandatory statutory requirements, including the ones protecting the interest of the employees.

V. That I also undertake in the event of failure on the part of me to comply with the undertaking, BIADA shall take over vacant and peaceful possession of the premises from me with liberty for further allotment to 3rd party.

vi. That I further undertake I shall be liable for initiation of proceedings for contempt for having violated the undertaking furnished to the Court.”

Learned counsel for the BIADA states that petition



can be disposed of in terms of the undertaking so furnished.

The undertaking is accepted and taken on record.

Consequence of breach thereof, including initiation of proceedings for contempt having violated the undertaking furnished before this Court stands explained to the petitioner through the learned counsel.

As such, petition is disposed of in the following terms:-

(a). Undertaking of the petitioner dated 19.01.2023 (reproduced supra) is accepted and taken on record;

(b) Petitioner has been made aware of the consequences of breach thereof, including initiation of proceedings for contempt;

(c) In the event of failure on the part of the petitioner to comply with the undertaking, BIADA shall take over vacant and peaceful possession of the premises from the petitioner with liberty for further allotment to 3rd party, with the petitioner losing all rights therein and petitioner shall be liable for initiation of proceedings for contempt for having violated the undertaking furnished to the Court.

(d) Also, liberty reserved to BIADA, to approach this Court, should the petitioner fail to abide by the



undertaking furnished before this Court.

(e) BIADA shall immediately recall the order and/or hand over possession of the unit to the petitioner, whatever the case may be. Learned counsel for the BIADA states that needful shall be done, positively, within a period of four weeks from today.

(f) The timeline for commencement of the period of undertaking furnished by the petitioner shall be reckoned from such date, i.e. from the date the order is recalled and/or possession of the unit is handed over by the respondent-BIADA to the petitioner, whichever is later and as the case may be.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

