

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.239 of 2023

In

Civil Writ Jurisdiction Case No.4590 of 2022

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1. The Bihar Industrial Area Development Authority (BIADA) through the Managing Director, Udyog Bhawan, Gandhi Maidan, Patna.
 2. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
 3. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Regional Office, Bhagalpur.
 4. The Development Officer, Bihar Industrial Area Development Authority (BIADA), Regional Office, Barari, Bhagalpur.
 5. The Area Incharge, Industrial Estate - Katihar.

... .. Petitioners.

Versus

1. M/s. Vishwanath Industries, Plot No. 11, Industrial Estate, Katihar, District - Katihar (Bihar) through its proprietor Subhash Kumar Tambakuwala, aged about 54 years, S/o Late Bishwanath Tambakuwala, Resident of Mohalla Manga Bazar, P.O. and P.S. - Powerhouse Road, Binodpur, Katihar, District Katihar.
2. The State of Bihar through Principal Secretary Sri Sandip Paundrik, Department of Industries, Government of Bihar, Patna.
3. The Secretary, Sri Sandip Paundrik, Department of Industries, Government of Bihar, Patna.
4. District Magistrate Sri Ravi Prakash, Katihar, District Collectorate, Katihar.

... .. Opposite Parties.

Appearance :

For the Petitioners-BIADA:	Mr. Avinash Kumar Singh, Advocate.
For the State :	Mr. Subhash Prasad Singh (GA-3).
For the O.P. No.1 :	Mr. Sachin Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

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

7 15-03-2024

The present M.J.C./Contempt Petition is filed for non-compliance of the orders of this Court dated 21.07.2022 passed in C.W.J.C. No.4590 of 2022.



2. Opposite party no.1 has filed show cause along with the documents. In paragraph-9 of the show cause, it is stated as under:

“That is is most respectfully submitted that after the issuance of the show cause notice vide Letter No.218 dated 16.12.2022 petitioner has cooperated and created no resistance and hindrance with regard to the handing over the peaceful possession as per the order of the Hon’ble High Court and the Petitioners have taken the possession upon which cooperation was made by the Opposite Party.

Pertinently, the contention raised by the Petitioner BIADA is not contemptuous as the same could be perused from the photograph affixed by the Petitioner BIADA wherein it has been written “This is BIADA’s property.”Furthermore, Petitioner BIADA has already put the plot of the answering respondent in the vacant list/report which has been displayed on the official website of the petitioner BIADA for the purpose of fresh allotment to the entrepreneurs from which it clearly manifest that petitioner BIADA has already taken the physical possession of the plot and the Order of Hon’ble Court has been complied.



It is next submitted that Petitioner BIADA has ruined the precious time of this Hon'ble Court by filing this present application and the same may is fit to be dismissed in limine and therefore relief and prayer sought by the petitioner are fit to be rejected by this Hon'ble Court for the ends of justice.”

3. Taking note of the aforementioned developments, the present M.J.C./Contempt Petition stands dropped.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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