

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2931 of 2024

M/s Shakti Sudha Industries a proprietorship firm having its office at Plot No. C-23 and C-24, Industrial Area, Patliputra, Patna represented through its Proprietor, Mr. Satyajit Kumar Singh, aged about 55 years, S/o Shri Ranjeet Kumar Singh, resident of IAS Colony, Kidwaipuri, Patna

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Industries, Govt of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The Industries Development Commissioner, Department of Industries, Government of Bihar, Patna.
4. The Bihar Industrial Area Development Authroity (BIADA), Through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna
6. The Joint Managing Director, Patna Cluster, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
7. The Deputy General Manager, Patna Cluster, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
8. The Assistant Regional Manager, Patliputra Industrial Area Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Advocate
	:	Mr. Nikhil Kumar Agrawal, Advocate
	:	Ms. Aditi Hansaria, Advocate
	:	Mr. Yash Sahay, Advocate
For the Respondent/s	:	Mr.Standing Counsel 4
	:	Mr. U.P. Singh, AC to SC 4
For BIADA	:	Mr. Ajit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 16-02-2024

1. Heard learned counsel for the parties concerned.
2. The present writ application has been filed for



quashing the order dated 08.02.2024, as contained in Annexure-P/13, issued by respondent no. 8 i.e. Assistant Regional Manager, Patliputra Industrial Area Bihar Industrial Area Development Authority (BIADA), by which the petitioner Unit has been directed to ensure the vacant possession of the allotted plot, within a period of 07 days, failing which, the possession shall be taken forcibly with the help of administration.

3. Learned Senior Counsel for the petitioner submits that 30,000 sq.ft. of land was allotted by the BIADA having plots no. C-23 and C-24 under Patliputra Industrial area vide letter dated 30.03.2005 for a period of 90 years. A lease deed was executed in this regard on 31.01.2016. He further submits that the petitioner has been running Fox Nut (Makhana) Processing Unit on the allotted land but the allotment of the petitioner was cancelled by the Managing Director/ Joint Managing Director of the BIADA, vide cancellation letter dated 26.12.2023. Petitioner has preferred appeal against cancellation before the Industries Development Commissioner (in short I.D.C.) in Appeal no. 12 of 2024, which is still pending. He next submits that on 06.02.2024, an inspection report was submitted by BIADA before the Appellate Authority, which was taken on



record and on the request of the petitioner/ appellant, the appeal was fixed for hearing on 13.02.2024 but in the intervening period, the letter dated 08.02.2024 was issued, requiring the petitioner to give possession of the land to BIADA, within a period of 07 days, which has been impugned in this writ application.

4. Learned Senior counsel has relied upon Clause 1.1 of an order passed under Clause 19.3 of the BIADA Land Allotment Policy, 2022, under which, it has been prescribed that an Authority shall resume possession of the land/ shed under Section 6(2)(b) of the BIADA Act after one month since the date of passing of the order of cancellation of allotment of the land, if the allottee does not prefer an appeal under Section 6(2)(a) of the BIADA Act before the State Government within one month. If the allottee prefers an appeal, the possession shall not be resumed during pendency of such appeal.

5. The contention of the petitioner is that appeal is pending and appellate authority is *in seisin* of the matter, still, in violation of the order passed under BIADA Land Allotment Policy, 2022, the impugned letter asking the petitioner to give possession, has been issued.

6. On the other hand, learned counsel for the BIADA



submits that since the matter is pending before the appellate authority against cancellation order, the petitioner has the remedy before the appellate authority against the impugned letter but instead of raising the issue before the appellate authority, the petitioner has approached this Court directly in order to create a new forum during pendency of the appeal.

7. Having heard learned counsel for the parties and after going through the materials on record, I find that it is an admitted position that appeal, filed by the petitioner, against cancellation order is pending before the appellate authority and the appellate authority granted time on 06.02.2024 to the petitioner as well as BIADA and fixed the matter for further hearing on 13.02.2024. However, in the intervening period, the impugned letter has been issued regarding resumption of possession of the allotted plot. From the order passed under Clause 1.1 of an order passed under Clause 19.3 of the BIADA Land Allotment Policy, 2022, it appears that during pendency of appeal, the possession cannot be resumed. Considering the aforesaid facts, I am of the opinion that letter impugned issued during the pendency of the appeal is unreasonable and in violation of Allotment Policy, 2022. Accordingly, impugned letter dated 08.02.2024 (Annexure-P/13) shall be kept in



abeyance till the disposal of the appeal.

8. The present writ application stands disposed off on the aforesaid terms.

(Anil Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2024
Transmission Date	NA

