

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6000 of 2024

1. Ramesh Yadav Son of Late Jagdish Yadav, resident of Village Udakishunganj, P.S. Udakishunganj, District-Madhepura.
2. Ashok Paswan, Son of Raghu Paswan, resident of Village-Ward No. 15, Udakishunganj, P.O. and P.S. Udakishunganj, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Madhepura.
2. The Bihar Industrial Area Development Authority Udyog Bhawan, East Gandhi Maidan, Patna-800004 through its Managing Director.
3. The Managing Director of the Bihar Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna-800004 through its Managing Director.
4. The Deputy General Manager (Legal) of Bihar Area Development Authority, Patna.
5. The Deputy General Manager, BIADA Saharsa Cluster, District-Saharsa.
6. The Regional Manager of the Industrial Area, Udakishunganj, P.O. and P.S. Udakishunganj, District-Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Apurv Harsh, Advocate Mr. Manu Tripurari, Advocate Mr. Raghu Raj Pratap, Advocate Mr. Alok Kumar Singh, Advocate
For the Respondent/s	:	Government Pleader 26
For the intervenor petitioner:		Mr. Gautam Kejriwal, Advocate Mr. Alok Kumar Jha, Advocate Mr. Mukund Kumar, Advocate Mr. Akash Kumar, Advocate Mr. Aditya Raman, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-08-2024 The present writ petition has been filed seeking the following relief:-



“1. That this is an application for issuance of appropriate writ (s)/ order (s) direction for quashing of the order dated 21.03.2024 passed in Encroachment Case No.01/2024 by the Managing Director of the Bihar Industrial Area Development Authority, Patna (Hereinafter referred to as 'BIADA') whereby and whereunder the petitioners have been declared as Encroachers upon the 7453 square ft of land of khesra No.1761, belonging to Mini Growth Udakishunganj. centre,

And also for quashing of the notice dated 23.03.2024 issued by the Deputy General Manager of the BIADA, Saharsa cluster whereby and whereunder on the basis of the order dated 21.03.2024 passed by the Managing Director of the BIADA, Patna a direction has been issued to the petitioners to remove their houses and buildings within 14 days.

And pending disposal of the instant writ application further proceeding of the encroachment Case No. 01/2024 as well as operation of the notice dated 20.03.2024.”

2. It is submitted by the learned counsel for the petitioners that though a title suit, bearing Title Suit No.58 of 2024, with regard to the subject matter of the present case, is pending consideration before the learned Civil Court, Udakishunganj, District-Madhepura, wherein the petitioners are also a party, however, the fact remains that the order dated



21.03.2024, passed by the Managing Director, BIADA, Patna in Misc. (Encroachment) Case No.01 of 2024 has been passed without considering the objections/representation of the petitioners dated 01.03.2024, i.e. Annexure-9 to the present petition. In such view of the matter, it is prayed that the petitioners be granted a week's time to file a fresh representation, which may be considered by the Managing Director, BIADA, Patna and appropriate orders may be passed thereon by him and in case the same adversely affects the interest of the petitioners, the petitioners would seek redressal of their subsisting grievances by approaching the learned Civil Court, where the aforesaid Title Suit No.58 of 2024 is pending. It is directed, accordingly.

3. Having regard to the facts and circumstances of the case, the petitioners are granted liberty to file appropriate representation before the Managing Director, BIADA, Patna, within a week from today, which shall be considered, in accordance with law, and a reasoned and a speaking order shall be passed thereon, within a period of three weeks thereafter, and till then, status quo, existing as on today, qua the land in question shall be maintained. However, it is needless to state that in case the petitioners are aggrieved by the order to be



passed by the Managing Director, BIADA, Patna, as aforesaid, they would be at liberty to approach the learned Civil Court, Udakishunganj, District-Madhepura, for redressal of their subsisting grievances, in the pending suit.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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