

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9216 of 2024

M/s. Adarsh Furniture (Industrial Estate, Barari, Bhagalpur) represented through its proprietor Mukesh Mukund, Gender Male, aged about 48 years Son of Shri Ramdas Thakur, R/o Patal Babu Road, District - Bhagalpur, Bihar - 8012001.

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority (BIADA) 1st Floor Udyog Bhawan, Gandhi Maidan, Patna.
2. The Chairman Cum Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor Udyog Bhawan, Gandhi Maidan, Patna.
3. The Joint Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan Gandhi Maidan, Patna.
4. The Executive Director, North, (BIADA), Patna, Ist Floor, Udyog Bhawan, Gandhi Maidan.
5. The Executive Director, Operations, (BIADA), Patna, 1st Floor, Udyog Bhawan, Gandhi Maidan.
6. The Deputy General Manager, Bhagalpur Cluster, Bihar Industrial Area Development Authority (BIADA).
7. The Manager, Bhagalpur Cluster, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
8. The Area Incharge, Industrial Area- Barari, 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Aman Raj, Adv. Mr. Sachin Kumar, Adv. Mr. Abhshek Kuamr Pandey, Adv. Ms. Sapna Kumari, Adv.
For the Respondent/s	:	Mr. Bandhychal Singh, Sr. Adv.
For the BIADA	:	Mr. Parth Gaurav, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

9 18-12-2024 **I.A. No. 01 of 2024**

Interlocutory Application No. 01 of 2024 is allowed.

2. Registry is directed to make the necessary
amendment in the prayer portion of the present writ petition.



3. Heard learned counsel for the parties.

4. The present writ petition has been filed for the following relief(s):-

“i. For quashing the order dated 05.02.2024 passed in Appeal No. 277/2023 by the Respondent No. 2 whereby and where under the Appeal filed by the Appellant pertaining to the illegal, whimsical and arbitrary rejection of application for the Exit Policy, 2023 and further cancelling the allotment of 2216Sq. Ft., within the Industrial Area: Barari, Bhagalpur Cluster has been dismissed on non-est, unsustainable grounds in complete violation to the principles of natural Justice and other law laid down by the Hon'ble High Court.

ii. For setting aside the office order bearing Memo No. 488 Dated 02.11.2023 passed by the Respondent No. 6, The Deputy General Manager, Bihar Industrial Area Development Authority (BIADA), Regional office, Bhagalpur Cluster whereby and where under without acknowledging the fact that in most illegal, whimsical and arbitrary manner the application for the Exit Policy, 2023, has been rejected and further out of vendetta and vengeance the allotment of 2216 Sq. Ft., within the Industrial Area: Barari, Bhagalpur has been cancelledis complete violation of the priciples of natural justice and other judicial precedents as laid



down by Hon'ble High Court.

iii. For issuance of the direction upon the Respondent BIADA for allowing the application for the Exit Policy circulated vide Memo No. 5128 dated 10.08.2023, without any intention of deceiving the Respondent Authorities.

iv. For declaration and to hold that the rejection order being passed by BIADA Authorities vide Memo No. 488 dated 2.11.2023 is illegal and against the provisions of the Exit Policy, 2023 circulated vide Memo No. 5128 Dated 10.08.2023 whereby and whereunder, there is no provision for partial acceptance and partial rejection of the Exit Policy for part of the Plot, As such, the Respondent BIADA can't be allowed to approbate and reprobate at the same time being violative to the basic tenants of natural justice and reflects the malicious, arbitrary actions of concerned Respondent Officials.

*v. For declaration and to hold that the aforesaid impugned order dated 05.02.2024 passed in Appeal Case No. 277/2023 is illegal and in contravention to the settled principles of law i.e. **Nemo Judex in Causa Sua** (No one should be made a judge on his own cause) as the impugned order vide Memo No. 488 dated 02.11.2023 has been passed by Respondent No. 3 Managing Director and the Order dated 05.02.2024 passed in Appeal Case No. 277/2023*



has been passed by Respondent No. 2. Additional Chief Secretary, Department of Industries who is holding the same post at same time and as such liable to be quashed on this ground itself.

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

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

5. Learned counsel appearing on behalf of the petitioner has stated that the petitioner was initially allotted the land an area of 7,000/- square feet on 21.06.2010 for the purpose of setting up the furniture industry and thereafter another parcel of the land admeasuring 2216 square feet was allotted to the petitioner on 7.12.2010. As the petitioner could not keepup the production continuously, the authorities have cancelled the allotment made to the petitioner vide order dated 14.03.2019 passed in Memo No. 174. Thereafter the petitioner has approached the Additional Chief Secretary, Department of Industries, Government of Bihar, Patna by way of Appeal Case



No. 24 of 2019 and the said appeal was rejected vide order dated 12.02.2021. That the petitioner left with no other option had approached this Hon'ble Court by way of CWJC No. 9032 of 2021. This Hon'ble Court vide order dated 03.02.2022 has disposed of, setting aside the order of cancellation and the order of the appellate authority after taking into consideration the undertaking furnished by the petitioner. That in the year 2023 the official respondents came up with an exit policy and the petitioner has applied under the said scheme. That the authorities without adverting to the terms and conditions of the guidelines issued under the exit policy have misconstrued the same and while rejecting the application made by the petitioner under the exit policy, have gone ahead and cancelled an area of 2216 square feet vide order memo no. 488 dated 02.11.2023 (Annexure P/14). Thereafter the petitioner has preferred an appeal but the appellate authority without verification of the facts or the contentions raised by the petitioner has dismissed the appeal. Learned counsel has stated that the order of cancellation passed by the authorities is without issuance of any show cause notice and contrary to the exit policy. Learned counsel has stated that the authorities without understanding the true purpose of the exit policy have rejected the application



made by the petitioner and further cancelled the allotment for an area of 2216 square feet without issuing any show cause notice to the petitioner. Learned counsel has therefore prayed this Hon'ble Court to set aside the impugned order.

6. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the writ petition. Learned counsel appearing on behalf of the respondents-BIADA has stated that the petitioner has failed to establish the unit even after ample opportunity was given. Though the petitioner was allotted the area way back in the year 2010, he has failed to establish any unit and also start the commercial production. Further it is stated by the counsel that the petitioner has violated the undertaking given by himself to this Hon'ble High Court in CWJC No. 9032 of 2021. That the authorities left with no other option had to cancel the allotment. Learned counsel has therefore prayed this Hon'ble Court to dismiss the present writ petition.

7. Admittedly as seen from the record that the petitioner was allotted a total area of 9216 square feet. The petitioner has applied under the exit policy for the entire area of 9216 square feet, it is not understandable as to how the authorities came to the conclusion that the petitioner is entitled



for the benefit of the exit policy for an area of 7000 square feet only and rejecting the benefit under exit policy for an areas of 2216 square feet. This fact was also lost sight by the appellate authority. It is pertinent to note that even the appellate authorities was initially of the view that the benefits of the exit policy was given for an area of 7000 square feet and rejected for an area of 2216 square feet.

8. In paragraph 23 of the counter affidavit filed on behalf of the respondents-BIADA, they have taken a contrary stand stating that even for an area of 7000 square feet of land the application of the petitioner was cancelled and possession taken up. However it is to be noted that as on date there is nothing on record to show that any cancellation order was passed in respect of 7000 square fee.

9. Having regard to the above made submissions, this Court deems it fit and proper to set aside the order dated 05.02.2024 passed by the Respondent No. 2, order dated 02.11.2023 passed by the Respondent No. 6 and to quash the Letter No. 44 dated 09.02.2024 issued by the Respondent No. 6, i.e. Deputy General Manager, BIADA, Bhagalpur. Accordingly, the order dated 05.02.2024 passed by the Respondent No. 2, order dated 02.11.2023 passed by the Respondent No. 6 are set



aside and the Letter No. 44 dated 09.02.2024 issued by the Respondent No. 6, i.e. Deputy General Manager, BIADA, Bhagalpur is hereby quashed. The CWJC is accordingly allowed. The respondents are directed to consider the application of the petitioner made under the exit policy and pass necessary order as expeditiously as possible preferably within a period of 8 weeks from the date of receipt of this order. If the authorities need any clarification they shall put the petitioner and give him an opportunity of presenting the case or make necessary clarification.

10. The CWJC stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

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