

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.723 of 2024

In

Civil Writ Jurisdiction Case No.14246 of 2023

M/S. Gurukul Industrial Growth Centre Industrial Area, Giddha, Ara, District-Bhojpur at Ara through its Chairman Dr. Akhilesh Kumar Dubey, Son of Sidhnath Dubey, Resident of 185-B, Boring Road, Sri Krishna Puri, P.S.- S.K. Puri, District- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Industries, Government of Bihar.
2. The Additional Chief Secretary, Department of Industries, Government of Bihar.
3. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Mainda, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Mainda, Patna.
5. The Joint Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Mainda, Patna.
6. The Deputy General Manager, BIADA, Patna Cluster, Patna.
7. The Assistant Area Manager/Officer-Cum-Assistant Development Officer, BIADA, Industrial Development Area, Giddha.
8. The Executive Director (Operations, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Mainda, Patna.
9. The Director, Directorate of Employment and Training, Government of Bihar, Niyogan Bhawan, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashutosh Kumar Singh, Advocate
For the Respondent/s : Mr. Rakesh Ambastha, AC to AAG-07
Mr. Prashant Pratap, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-09-2024

The appellant, who received allotment of an industrial plot for the purpose of setting up of an educational



institution is aggrieved with its cancellation. The allotment was made by the Bihar Industrial Area Development Authority, (for brevity, BIADA) who contends that the appellant failed to set-up the institution in the land allotted despite passage of twelve years.

2. The learned Single Judge based on the inspection reports of the year 2023 and also the admitted documents, held that the appellant had not set-up the institution in the allotted land and was running it in another land. The learned Single Judge affirmed the cancellation and directed the BIADA to consider whether the land in which the shed of 3,000 sq. ft. was constructed could be handed over.

3. Admittedly, on 17.03.2011, 79,250 sq. ft. of land in Giddha industrial area was handed over to the appellant by the BIADA for establishing an industrial training institute and para-medical college in the name and style of M/S. Gurukul Industrial Growth Centre. The allotted area was corrected as 72,408 sq. ft. on 21.08.2011. The physical possession having been handed over on 05.05.2011, the respondent contended in its counter affidavit that as early as in the year 2013, the land was inspected and a report was submitted on 25.01.2016, which only indicated two guard rooms and a shed constructed on the



land. There was no sign of any industrial training activity being carried on in the said premises; the copy of which inspection report is produced as Annexure-R/1 (of the writ petition). A show-cause was issued as Annexure-R/2 (of the writ petition) on 22.12.2016 enclosing the inspection report dated 25.01.2016, produced as Annexure-R/1 (of the writ petition).

4. Later, again a notice was issued on 14.03.2023 after which the land was inspected on 23.06.2023 and 28.08.2023. The inspection reports having been produced as Annexure-R/4 series (of the writ petition) annexed with the Annexure-R-2 and R-4 series reports are the photographs of the institute in the year 2016 and in the year 2023 respectively. The appellant/writ petitioner filed a rejoinder in the writ petition controverting the allegations in the counter affidavit and contending that the photographs produced by the respondent are those of the year 2019 and annexing Annexure-A series; new photographs of the year 2019. Obviously, the reference to year 2019 is a mistake since the petitioner's contention is that during the Covid period there was no activity.

5. We find absolutely no reason to accept the above contention since Annexure-4 series (of the writ petition) reports are of the year 2023 while Annexure-2 series (of the writ



petition) reports produced along with the counter affidavit, which indicates photographs of an ensuing construction. Annexure-R/4 series (of the writ petition) only indicates a shed having been constructed, which is also temporary in nature.

6. Annexure-A series produced by the appellant/writ petitioner in the rejoinder to the counter affidavit in fact supports the contention of the respondent that it is a shed constructed. There are a few persons standing before the Institute which does not necessarily indicate that those are the students studying in the institute and that they are carrying on their training in the shed before which they are standing, for the photograph.

7. Annexure-A series also indicates that the said construction is of a temporary nature. Coupled with the above facts is the finding that the documents filed by the appellant itself shows that the appellant is running the institute from Chhoti Line Colony and not from the allotted site. The appellant's contention that they had applied for a change of address but that was not considered by the competent authority and it was by reason of a mistake that the address was not corrected was not substantiated. *De hors* the address having been indicated of another site, it was found by the learned



Single Judge that the appellant had only put up a shed over an area of 3,000 sq. ft., while the land was allotted far back in the year 2011 and even after 13 years a mere shed was constructed in a land of 3,000 sq. ft in a total area of 73,500 sq. ft. It is very clear that the purpose for which the land was allotted did not fructify.

8. We find the cancellation to be appropriate. The Appellate Authority has also considered the facts before affirming the cancellation as is seen from Annexure-1. This Court sitting in judicial review is not entitled to sit as a Court of Appeal. The cancellation effected based on enquiries and inspection conducted and also the admitted documents; which show the institute to be located in another address, there is absolutely no reason to entertain the appeal or interfere with the order of the learned Single Judge affirming the cancellation.

9. The appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.10.2024.
Transmission Date	

