

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11524 of 2024

M/s Aishra Technofab Engineers a partnership firm registered under the Indian Partnership Act, 1932, having its registered office at Naturals Dairy Complex, Plot No. NS-11, Patliputra Industrial Area, Patna- 800013, through its Partner Shri Ayush Raj, aged about 26 years, Gender-Male, S/o Shri Hemant Kumar Das, R/o Flat No.- 504, A Block, White House Apartment, Budh Marg, P.S.- Kotwali, Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Industries, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Industries, Government of Bihar, Patna.
3. The Bihar Industrial Area Development Authority (BIADA), through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
4. The Managing Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Executive Director, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna.
6. The Deputy General Manager, Hajipur Cluster, Bihar Industrial Area Development Authority (BIADA), Hajipur Cluster Industrial Area, Hajipur-844101, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Aditi Hansaria, Adv.
	:	Mr. Nikhil Kumar Agrawal, Adv.
	:	Mr. Yash Sahay, Adv.
	:	Mr. Keshav Bhardwaj, Adv.
For BIADA	:	Mr. Vagisha Pragya Vacanavi, Adv.
For the Respondent/s	:	Mr .Standing Counsel 11
	:	Mr. Dhirdyuti Kumar Verma, AC to SC11

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

Date : 24-09-2024

Heard the learned counsel for the parties.

The present writ petition has been filed for the following reliefs:-

“i) To issue an appropriate writ/order/direction in the nature of Certiorari setting aside the Order dated 09.07.2024 (Anx-P/4) passed by the Respondent No. 2 in Appeal



No. 107/2024 (M/s. Aishra Technofab Engineers vs. BIADA & Ors.) whereby and whereunder the appeal filed by the Petitioner against the Order dated 07.05.2024 passed by the Respondent No. 6 cancelling the allotment letter has been rejected;

ii) To issue an appropriate writ/order/direction in the nature of Certiorari setting aside Order dated 07.05.2024 contained in Memo No. 557/D (Anx-P/2) passed by the Respondent No. 6 (The Deputy General Manager, Hajipur Cluster, BIADA) whereby and whereunder the allotment of Industrial Plot No. C-10 and C-11 at Industrial Area, Goroul, admeasuring an area of 73308 sq. ft. granted to the Petitioner has been cancelled for alleged violation of the conditions contained in allotment letter dated 22.02.2024.

iii) To issue an appropriate writ/order/direction in the nature of Mandamus commanding the Respondents to allow the Petitioner to make the payment of initial land lease premium and thereafter handover the possession of the land to the Petitioner;

iv) To any other relief or reliefs for which the Petitioner is found to be entitled in the facts and circumstances of the case.”

4. Learned counsel appearing on behalf of the petitioner

has fairly stated that due to some problems which were beyond the control of the petitioner, the petitioner could not pay the amounts due to the respondent-BIADA. Learned counsel has stated that the delay in making the payments was not deliberate or wanton but due to the circumstances which were beyond the control of the petitioner. Learned counsel has further stated that the petitioner has now got the necessary approvals and also the bank loans for starting the industry. Further, it is stated that the subject land has



been allotted to some third party, therefore, the authorities may be directed to consider the original application made by the petitioner for some other alternate plots as there are number of vacant plots in the vicinity of the plots which were earlier allotted to the petitioner. Learned counsel has further stated that the authorities may be directed to consider the application for allotment of alternate plots without reference to the impugned orders challenged in this CWJC. That the petitioner is willing to abide by any conditions that may be imposed by the authority concerned if any alternate land is allotted. Learned counsel has stated that in case the petitioner makes any fresh application for allotment of alternate land the permissions and loans which were granted by the competent authority/ Banks would get nullified, therefore the respondents may be directed to consider the request of the petitioner for allotment of alternate land in continuation of his earlier application and not as a new application.

5. Learned counsel appearing on behalf of the respondents has stated that the petitioner may be directed to make a representation in continuation of the earlier one explaining the circumstances and also the reasons for not paying the amount and the same will be considered by the authorities in accordance with law.



6. Having regard to the above made submissions and also duly taking into account the fact that the petitioner could not make the necessary payments to the respondent authority for reasons beyond his control and further taking into account the fact that the petitioner has got the necessary permissions from the competent authority and also that the bank loans have now been sanctioned, the ends of justice would be met if the petitioner is directed to make a representation to the respondents in continuation of its earlier application made for allotment of the alternate plots within a period of two weeks from the date of receipt of a copy of this order. On such request being made, the authority shall consider the representation for allotment of an alternative land, in continuation of her earlier application without reference to the impugned orders passed and duly taking into account the above mentioned facts and circumstances.

7. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.10.2024.
Transmission Date	NA

