

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.826 of 2017

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Ambedkar Medical And Technical Education Development Trust Son of Late
Shyam Narayan Choudhary, resident of Mohalla - Kumhrar, P.O. Bahadurpur
Housing Colony, Police Station - Agamkuan, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Bihar Industrial Area Development Authority, through it's Managing Director, Udyog Bhawan, East
3. Executive Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan,

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vipin Kumar Singh
For the BIADA	:	Mr.Prashant Pratap
For the Respondent/s	:	Mr.Subhash Prasad Singh -GA-3

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

3 25-11-2024 1. Ms. Shilpi representing Mr. Vipin Kumar Singh, the Learned counsel for the petitioner sought for an adjournment contending that file is misplaced.

2. On the other hand, the Learned counsel for the BIADA stated that the Writ is filed only for payment of interest which is not at all maintainable.

3. On perusal of the prayers of the Writ petition, it is evident that the Writ petition is filed to quash the letter No. 403/L dated 02.02.2016 vide Annexure-5. The operative portion of the said letter at



para 14 and 15 reads as follows:-

“14. In appeal before the Managing Director there was the order for the return of the forfeited amount but it was never directed to pay the interest for the same. The claim for the interest on the forfeited amount which has already been returned is only a claim at par with unjust enrichment. As the amount was deposited in the BIADA in lieu of the allotment of 30 Acres of the land which could have been utilized for any other Industrial purpose of prominence.

15. The 30 Acres of land was allotted to the allottee who primarily deposited amount less than the stipulated sum. Thus, is a sort of unjust enrichment and in no case it may be equated with mesne profit as it has been manifestly stated in the order that the ownership of the allotted land could not be given as there was the uncertainty regarding the term of the lease. Furthermore, when the matter was put forth in the BIADA Board of Directors it also decided that the relevant papers may be submitted which was also not given which further delayed the procedures.”

4. On perusal of the said operative portion of the letter it is evident, that the petitioner has filed an appeal before the Managing Director wherein, the Managing Director ordered to return the forfeited



amount but never directed to pay the interest on the same. The claim for interest on the forfeited amount was returned. The Writ petition is filed only for the payment of interest for the returned amount. The Apex Court in case of **Union of India & Ors. Vs. Orient Enterprises & Anr.** reported in **(1998) 3 SCC 501** and a Coordinate Bench of this Court in **CWJC No. 9985 of 2023** in **Kameshwar Singh Vs. Canara Bank and Ors.** dated 11.01.2024 have categorically held that it is well settled law that the Writ petition is not maintainable for the sole relief of interest unless right to interest is a statutory right.

5. In view of the above decision of the Apex Court, the Writ petition itself is not maintainable and therefore, it is dismissed as devoid of merits.

(G. Anupama Chakravarthy, J)

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