

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14246 of 2023

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M/s Gurukul Industrial Growth Centre Industrial Development Area, Gidha, Ara, District-Bhojpur through its Chairman Dr. Akhilesh Kumar Dubey (Male), aged about 50 years, Son of Sidhnath Dubey, at present Resident at 185-B, Boring Road, Sri Krishna Puri, P.S.- S.K. Puri, Patna- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Industries, Government of Bihar, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority, 1st Floor, Industry Building, East Gandhi Maidan, Patna.
5. The Joint Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Industry Building, East Gandhi Maidan, Patna- 800004.
6. The Deputy General Manager, Bihar Industrial Area Development Authority, Bihta Cluster, District- Patna.
7. The Assistant Area Manager/Officer-cum- Assistant Development Officer, Bihar Industrial Area Development (BIADA) Industrial Development Area Gidha, Bihta, District- Patna.
8. The Executive Director (Operations), Bihar Industrial Area Development, Patna.
9. The Director, Directorate of Employment and Training State Government of Bihar Niyojan Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nil Kamal, Adv.
For the Respondent/s : Mr. Vikash Kumar (Sc11)

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

6 08-07-2024 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

“(i) For that issue an appropriate writ or writs, order or orders, direction or



direction, commanding to the Respondents and issue a writ in the nature of Certiorari to quash the impugned order passed in Appeal No.244/2023 dated 12.9.2023 passed by the Additional Chief Secretary, Department of Industries, Patna Bihar (Respondent No.2) by which the allotment of the land having educational Institution affirmed the cancellation order and dismissed Appeal contained as Annexure-1 to this petition.

(ii) For that issue an appropriate writ in the nature of certiorari to quash the impugned order dated 15.7.23 issued vide Gyapank No.288 by the Deputy General Manager, Bihar Industrial Rea Development (BIADA) Patna (Respondent No.6) where under the order of allotment of land of petitioner situated at Industrial Area, Gidha, Ara District -Bhojpur of the Plot No. N.S.11 (P) Araj 72408 sq. fit cancelled and forfeited/seized the total deposit money of petitioner, contained as Annexure-2 to this petition.

(iii) For that further issue an appropriate writ in the nature of Certiorari to quash the impugned order bearing Gyapank No.4003/Estt. Dated 28.06.2023 issued by Respondent No.4 accordingly Respondent No.07 issued an impugned order for taken over the Possession of the allotted of the petitioner bearing Letter No.363 dated 14.09.2023 accordingly they are going to taken over the property situated over the allotted land within



07 days just after rejection of the Appeal of allottee/petitioner contained as Annexure-3 & 3/a to this petition.

(iv) For that issue an appropriate writ of Mandamus and direct to the Respondents to restore the allotment of land order issued by the Executive Director, Bihar Industrial Area Development Authority (BIADA), Patna Respondent No.4 bearing Ref. No. 11061D dated 17.03.2011 Physical Possession order dated as Memo No. 1784/D dated 20.04.2011 and given a Physical Possession over the same the Petitioner upon Industrial Growth Centre, Gidha, Ara, District-Bhojpur contained as Annexure-4,4/a & 4/b to this petition.

(v) For that direct to the Respondents to allow to continued running Industrial Training Centre of Petitioner which is situated at the allotted Plot and due to cancellation of the allotment of land by the Respondent is snatching the Educational Right of the Students engrafted into the Fundamental Rights into the Constitution of India.

(vi) For that direct to the Respondents that Industrial Training Centre of Petitioner affiliated by the Directorate General of Training (DGT) Ministry of Skill Development and Entrepreneurship, Government of India, New Delhi and same is recognized by the Labour of Employment and Training, Ministry of Labour and Employment, Government of Bihar also recognized the



Industrial Training Centre of Petitioner running upon the allotted land be restored for educational right of the Students.

(vii) For that issue a writ, order or orders and an appropriate writ in the nature of Mandamus Commanding to the Respondent to not interfere into the peaceful physical possession over the land of the petitioner, which has been given possession over the allotted land to the petitioner by the Respondent No. 4 Executive Director, Bihar Industrial Area Development Authority (BIADA) Patna bearing Memo No. 1784/D dated 19.04.2011 contained as Annexure-4 to this petition.

(viii) For that stay the impugned orders of cancellation of the allotted land of Petitioner (Annexure-1) and the same has been affirmed by the Respondent No.2 (Annexure-2) and going to dispossess to the petitioner from the allotted land and taken over the same accordingly impugned order issued by Respondent No.4 and Respondent No.07 (Annexure-3 & 3/a) to this petition.”

3. Learned counsel for the petitioner has stated that the petitioner was allotted 73520 Sq. Ft. of land in on 07.03.2011 for the purpose of establishing I.T.I. College. Learned counsel for the petitioner has stated that the authority without verifying the documents filed by the petitioner or the explanation filed to the show cause notice has passed the order



of cancellation dated 15.07.2023. That though the petitioner has filed an appeal before the statutory authority, the same has been dismissed in a mechanical manner without advertng to the grounds raised by the petitioner. Learned counsel has stated that the petitioner has been running the institute right from the inception and for the said purpose he has already constructed the necessary infrastructure by spending substantial amount. Learned counsel has stated that the only ostensible reason for cancelling the allotment made to the petitioner is on the ground that the petitioner is running the Institute at a different location then what was allotted. Learned counsel has stated that the petitioner after taking due permission from the competent authority has shifted the college from the previous location to the allotted land. That due to the mistake committed by the education department, the address of the Institute was wrongly shown as being run from the old address. Learned counsel has relied on various documents filed to buttress his contention that the petitioner is running the I.T.I. Institute at the allotted premises. Learned counsel has, therefore, prayed this Hon'ble Court to allow the present writ petition by setting aside the order of cancellation as well as the order passed by the appellate authority.



4. Per contra, the learned counsel appearing on behalf of the respondent BIADA has vehemently opposed the maintainability of the present writ petition and has stated that the petitioner has suppressed the material fact and making a false claim that he is running the institute at the subject property which was allotted way back in the year 2011. Learned counsel has taken this Court to the various documents to show that the petitioner is running the institute at another site other than the one that has been allotted. Further, it is stated, that though 73250 Sq. Ft. of land has been allotted, the petitioner has constructed only a shed having the plinth area of 3000 Sq. Ft.. That till date the petitioner has not constructed any building for the purpose of running an Institute as claimed by him. That the petitioner has filed the present C.W.J.C. only for the purpose of retaining the precious land belonging to the BIADA Authority. Learned counsel has also drawn the attention of the Court to the Inspection Reports dated 23.06.2023, 28.08.2023 to buttress his contention that no building has been constructed by the petitioner in the subject property as claimed. Learned counsel has stated that there are no bonafides in the present writ petition which warrants any interference and that the orders passed by the appellate as well as the primary authority are well reasoned



orders which do not require any interference by this Hon'ble Court. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. Admittedly, in the present case, the petitioner has been allotted 73250 Sq. Ft. of land on 07.03.2011 for the purpose of establishing I.T.I. College. A perusal of the Inspection Reports dated 23.06.2023, 28.08.2023 relied by the authorities in passing the impugned order of cancellation and as well as by the appellate authority reveal that the petitioner has not made any construction of any building for the purpose of running an Institute. The petitioner has only set up a tin shed over an area of 3000 sq. ft. Even though the petitioner has drawn the attention of the Court to some of the documents to show that the petitioner is running the Institute from the subject property, it is to be noted that most of the documents i.e. hall tickets which were issued for the purpose of examination session to be held in July 2023 point out to the fact that the address of the Institute is at Chhoti Line Colony P.O. Ara, Bhojpur. Even the correspondence between the Education Department and the petitioner reveal that the institute is being run from the above same address. The photos filed by the respondent along with the counter affidavit reveal that petitioner



has only constructed a tin shed over an area of 3000 Sq. Ft. and did not construct any building for the purpose of establishing a college.

6. Though the documents filed by the petitioner along with the rejoinder show that the petitioner is running the institute from *Chhoti* Line Colony and not from the allotted site, the counsel has sought to impress upon this Court that the petitioner had filed for change of address and the same was considered by the competent authority but by mistake the address was not corrected in the official communication committed by the department people. That the petitioner cannot be blamed for the lapses. Irrespective of the fact that the address is changed or not, it is an admitted fact that the petitioner has not constructed any building for the purpose of running a college till date but has only put up a shed over an area of 3000 sq. ft. The petitioner was allotted land way back in the year 2011 and not constructing any building over the allotted land even after a lapse of nearly 13 years shown the lack of bonafides on part of the petitioner. This court does not find any merit in the present writ petition which warrants any interference by this Court and the writ petition is accordingly dismissed. However, liberty is granted to the petitioner to make a proper application



to the authority for allotting/retaining the area of 3000 sq. ft. over which shed has been constructed and in which it is stated that the petitioner is running an institute. If any such application is made, the same shall be considered on its own merits without reference to the present order or all the orders impugned in the C.W.J.C. In case the petitioner makes any application/representation, the same shall be considered as expeditiously as possible preferably within a period of eight weeks from the date of the said representation.

(A. Abhishek Reddy , J)

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