

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15941 of 2024

Sarvshree Krishna Food a Proprietorship firm through its Proprietor Nishi, Gender-Female, aged about 38 years, W/o Dipesh Kumar Singh, R/o-Ward No. 13, Maa Shakti Niketan Chanakya Colony, Dighi Kalan, Hajipur Industrial Area, Vaishali, Bihar-844102.

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority (BIADA) Udyog Bhawan, Gandhi Maidan, Patna through its Managing Director, 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna.
2. The Chairman cum Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
3. The Joint Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Gandhi Maidan, Patna (BIADA), Udyog Bhawan Gandhi Maidan, Patna.
4. The Executive Director, North, Bihar Industrial Area Development Authority (BIADA), Patna Udyog Bhawan, Gandhi Maidan, Patna.
5. The Deputy General Manager, Hajipur Cluster, Bihar Industrial Area Development Authority (BIADA).
6. The Area Incharge, Bihar Industrial Area Development Authority (BIADA), Industrial Area-Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sachin Kumar, Advocate.
For the Respondent/s	:	Mr. Piyush Lall, Advocate.
For the BIADA	:	Ms. Vagisha Pragya, Advocate.
		Ms. Vacaknavi, Advocate.

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

2 26-10-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“(i) For directing the Respondent BIADA, from not illegally, arbitrarily take over the possession of the Plot in question and desist from creating



any Third- Party rights, on Shed No. B-59, admeasuring an area of 3280 Sq.Ft., at Industrial Area- Hajipur, despite of the fact that statutory Appeal bearing Appeal No. 139/2024 is sub-judice for consideration before the Appellate Authority, which is sans jurisdiction and dehors the provisions of BIADA Act, 1974, as despite of pendency of statutory Petitioner, other coterminous and similarly situated units are not repossessed, industrial activity are stalled and are not exhibited on vacant list, advertisement for fresh allotment was not sought. However, maliciously, capriciously, the same is illegally being repossessed with an intention of creating third party rights are maliciously created to defeat the due process of law.

(ii) For directing the Respondents for allowing the Industrial activity on the Shed No. B-59, admeasuring an area of 3280 Sq.Ft., at Industrial Area- Hajipur, which has been maliciously, arbitrarily, capriciously being taken over, despite of the fact that statutory Appeal is sub-judice for consideration before the Appellate Authority and Petitioner may be allowed to continue the industrial activity.

(iii) To hold and declare that the action of Respondent BIADA is incomplete contravention and in teeth of BIADA Land Resumption Policy 2023, affidavit and submitted before this Hon'ble Court in CWJC No. 5396 of 2023 Kundan Kumar v/s The State of Bihar and Others., whereby it has been manifestly stated that during pendency of



Petitioner, the physical possession is not to be resumed. However, presently the unit of the Petitioner is being resumed without any basis. (iv) For directing the Respondents forthwith not to take any coercive steps against the allotment of Petitioner till disposal of this Writ Application.”

3. Without going into the merits or demerits of the case, having regard to the facts that an appeal is pending before the authorities concerned and the respondents have taken possession of the subject property pending the decision of the appeal court, the present writ petition is disposed of directing the Respondent No. 2, i.e, the Chairman-cum-Managing Director, to decide the appeal on merits duly taking into consideration the grounds of appeal raised by the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.

4. It is needless to mention that before passing any order the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the parties. Pending the appeal, the respondents-authority are directed not to create any third party interest. If the petitioner is so advised, he can file an application seeking re-possession of the subject property. On such application being filed, the same shall be considered on its



own merits.

5. Accordingly, the present writ petition stands disposed of at the admission stage with the consent of both the parties.

(A. Abhishek Reddy, J)

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