

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3497 of 2024

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M/s Pam Tech through its representative Raghvendra Dwivedi, Gender- Male, Aged about - 49 years, S/o - Shri Shyam Shankar Dwivedi, R/o- - New Basti Balipur, Near Jagwanti Fuel Station, Pratapgarh, Pratapgarh, Uttar Pradesh - 230001, Presently at B 1 Mega Industrial Park Amhara Bihta, Patna (Bihar).

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority (BIADA) Udyog Bhawan, Gandhi Maidan, Patna through it Managing Director.
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).
4. The Executive Director, North, Bihar Industrial Area Development Authority (BIADA), Patna.
5. The Deputy General Manager, Bihta Cluster, Bihar Industrial Area Development Authority (BIADA), Bihta.
6. The Area Incharge, Bihar Industrial Area Development Authority (BIADA) Industrial Area- Bihta.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sachin Kumar, Advocate.
		Mr. Abhishek Pandey, Advocate.
For the Respondent/s	:	Mr. Prashat Pratap, Advocate.
		Mr. Shadwal Harsh, Advocate.

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

8 10-01-2025 The admitted facts in the present case are that the petitioner has been allotted an area of 3 acres by the Respondent-BIADA way-back in the year 2014 for the purpose of manufacturing of bicycle & bicycle parts. It is an admitted case of both the parties that out of 3 acres of land, the petitioner has been utilizing 1 acre of land for the



purpose of manufacturing of bicycle & bicycle parts and the other area of 2 acres remained underutilized. The Respondent-BIADA after putting the petitioner on notice has cancelled the area of 2 acres vide order dated 16.11.2023. Thereafter, the petitioner has preferred an appeal before the appellate authority vide order dated 05.02.2024 without any success, aggrieved by the same, the present writ petition is filed.

2. Learned counsel for the petitioner has stated that due to various circumstances which were beyond the control of the petitioner, the petitioner could not utilize the balance area of 2 acres out of the total area of 3 acres allotted to the petitioner and he has been utilizing the area of 1 acre for the production of the bicycle and bicycle parts. Learned counsel has stated that the petitioner may be given one time opportunity for submitting a detailed project report for expansion of his capacity in the balance area of 2 acres and prayed this Court to direct the Respondent-BIADA to consider the same sympathetically. Learned counsel for the petitioner has also stated that the petitioner is willing to give a bank guarantee to show his bona fides and abide by any



conditions that may be imposed by the authorities. Further, it is stated by the learned counsel for the petitioner that though the BIADA authorities have floated an amnesty policy, the same was extended to other units, however, the petitioner was not given any such opportunity of availing the amnesty policy and therefore the petitioner could not utilize the balance area of 2 acres. Learned counsel for the petitioner has therefore prayed this Court to allow the present writ petition and set aside the impugned orders.

3. Per contra, the learned counsel appearing on behalf of the Respondent-BIADA have vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner was allotted the land way back in the year 2014, but the petitioner has failed to utilize the area of 2 acres out of the total area of 3 acres allotted to him. Learned counsel has further stated that though the petitioner was put on prior notice to utilize the balance area of 2 acres, he has failed to do so. Learned counsel has drawn the attention of this Court to the letter dated 25.04.2019 bearing letter No. 49/MIP (Annexure R/3) of the counter affidavit filed on behalf of the Respondent



Nos. 1 to 6 to show that way-back in the year 2019 itself, the petitioner was put on notice. That at the time of inspection the petitioner himself had requested for six months time for making necessary expansion but even till date the petitioner has not utilized the balance area of 2 acres. Learned counsel has stated that the authorities left with no other option had to cancel the allotment to the extent of area of 2 acres and the same does not require any interference by this Court and prayed for dismissal of the present writ petition.

4. As seen from the record, the petitioner was allotted an area of 3 acres in the year 2014 and thereafter the petitioner has established a unit in the area of 1 acre, the balance area of 2 acres remained unutilized till date. Whether the petitioner requires the balance area of 2 acres or not is the subject matter of debate, but admittedly the petitioner has failed to utilize the area of 2 acres for the last more than 10 years. Whether the future expansion by the petitioner entails him to retain the area of 2 acres or not also cannot be gone into by this Court under Article 226 of the Constitution of India. There are all disputed questions of



fact which cannot be gone into by this Court and BIADA is the competent authority to decide the same. In case, the petitioner is so advised, he can make a suitable representation to the respondents along with the Detailed Project Report (D.P.R.) setting-forth the timelines for increase of the production capacity and also the production timelines. On such representation being given, the authority shall consider the same on merits and pass necessary orders. The present CWJC is disposed of granting liberty to the petitioner to file a suitable representation along with the DPR within a period of four weeks from the date of the receipt of the copy of this order. On such representation being received, the authority shall consider the same on its own merits and pass necessary orders within a period of eight weeks thereof.

5. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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