

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22186 of 2014

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Suresh Kumar Motani son of Nandlal Motani resident of mohalla -
Durgasthan Gola Road, P.S. - Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Principal Secretary, Urban Development Department, Government of Bihar,
Patna.
3. Managing Director, Bihar Industrial Area Development Authority, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority,
Regional Office Muzaffarpur.
5. The District Magistrate-cum-Collector, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan, Advocate Smt. Bela Singh, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA-12 Mr. Sanjay Kumar Tiwari, AC to GA-11
For BIADA	:	Mr. Piyush Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 15-05-2025 Heard learned counsel for the petitioner, learned
counsel appearing for BIADA and learned counsel appearing for
the State.

2. The petitioner has come before this Court seeking writ of mandamus for commanding the respondents not to close the 'Rasta' by constructing boundary wall, which as per the petitioner is being used by the local public for very long and it is the only way of ingress and egress of the area i.e. adjacent area of Bela Road Industrial Area, Muzaffarpur and further the petitioner has prayed for appropriate order to be passed for demolishing a portion of the boundary wall which has been



allegedly constructed over the land which is being used as 'Aam Rasta' by local public.

3. For buttressing his case the learned counsel for the petitioner has relied upon an order passed by this Court on 29.09.2011 in CWJC No.4557 of 2008 (Annexure-D).

4. It is not in dispute that the Industries Department has acquired piece of land for setting up industries in Bela Industrial Area under Land Acquisition Case No.1/1978-79 measuring 173.88 acres. The case of the BIADA is that 173.88 acres have been acquired for industrial purposes and since the lands were open lands, the residents of the area was utilizing the land as road. It is further submitted that they have a passage/road for ingress and egress and as such their claim that the BIADA has constructed a boundary wall and is intending to close the 'Rasta' is misconceived and not correct.

5. Considering the rival contentions of the parties, this Court is of the view that BIADA should not exceed its construction beyond the area which was acquired by them i.e. 173.88 acres of land. If the petitioner feels that BIADA is encroaching on other land which is outside the area of 173.88 acres of land then they will have a right to file a detail objection before the District Magistrate, Muzaffarpur who shall dispose of



the objection/representation within three months from the date of its filing by the petitioners. The petitioner may file their objection before the District Magistrate, Muzaffapur within one month from today, if he so desires.

6. The writ application is disposed of with the aforesaid observation.

(Alok Kumar Sinha, J)

Prakash Narayan

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