

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.165 of 2018

In
Civil Writ Jurisdiction Case No.1964 of 2012

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1. Bihar Industrial Area Development Authority Through Its Managing Director Indira Bhawan, Ram Charitar Singh Road, Baeley Road, Patna (Now Udyog Bhawan, East of Gandhi Maidan, Patna).
 2. Executive Director, BIADA, Indira Bhawan, Ram Charitar Singh Road, Baeley Road, Patna (Now Udyog Bhawan, East of Gandhi Maidan, Patna).

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary-Cum-Commissioner, Department of Industries, Bihar, Patna.
2. The Industrial Development Commisioner, New Secretariat, Bihar, Patna.
3. The Bihar State Financial Corporation, Fraser Road, Patna- 800001
4. Arun Kumar Singh, Son of Ram Kishore Singh, Resident of Village- Rasulpur Zilani, P.O. G.P.O. P.S. Kazi Mohammadpur, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abu Nasar, Advocate
For the Opposite Party/s : Mr. Yogendra Pd. Sinha Aag 7

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 19-06-2025 Heard learned counsel, Mr. Abu Nasar representing the Bihar Industrial Area Development Authority (henceforth for short 'the BIADA'). Despite valid service of notice to the respondent no. 4 as reported by the office, no one appears on his behalf.

2. The present writ application has been preferred for :-

*review of the order dated
30.07.2012 passed by Hon'ble Mr. Justice V.N.
Sinha (now retired) in CWJC No. 1964 of
2012, whereby the writ petition was disposed
of with a direction that authorities of BIADA*



were to take notice of the agreement for sale, the possession letter and no dues certificate issued in favor of the petitioner/respondent no. 4 by authorities of the BSFC and to resolve the dispute either by restoring plot no. C/4 fully described in Schedule A appended with the agreement in the same condition in which it was handed over to petitioner or to hand over any other plot to the liking of the petitioner.

3. It is the case of 'the BIADA' that earlier the respondent no. 4 was allotted C/4 plot under the Muzaffarpur Industrial Area cluster to Akil Ahmad Siddiqui in the year 1978 and later the respondent no. 4 in the year 2007 informed the authority that he has purchased M/S. Bihar Belt Unit from the Bihar State Financial Corporation (henceforth for short 'the BSFC') on 11.02.2002 to establish Industrial Training Centre whereafter the assets have been transferred to him on 16.04.2002.

4. In between, the case of the BIADA is that the land was allotted to M/S. Bihar Belt and was reassigned to M/S. Holycow Pictures Private Limited who undertook construction on the said land.

5. Aggrieved, respondent no. 4 filed CWJC No. 1964 of 2012 which came to be disposed of on 30.07.2012 by a Bench of



this Court (Hon'ble Mr. Justice V.N. Sinha, as his lordship then was) and the relevant part recorded in paragraphs 5 and 6 read as follows :-

5. I see substance in the submission and accordingly direct the authorities of BIADA to take notice of the agreement for sale, the possession letter and no dues certificate issued in favour of the petitioner by the authorities of the B.S.F.C. and to resolve the dispute by either restoring plot no. C/4 fully described in Schedule A appended with the agreement in the same condition in which it was handed over to the petitioner or to hand over any other plot to the liking of the petitioner. Until such decision is taken no construction in plot No. C/4 which was given to the petitioner under possession letter dated 16.05.2002 shall be made by the BIADA or its allottee.

6. With the aforesaid observation and direction the writ petition is disposed of.

6. From the order, it is clear the writ Court directed 'the BIADA' either to provide the aforesaid plot and/ or to provide any



alternative plot. Respondent no. 4 was offered alternative plot no. B/9 (part) and B/10 (part) equal to the size of plot no. C/4 (10,800 square feet).

7. However, the case of the review petitioner is that there was no response on behalf of the respondent no. 4. This followed number of registered letters between 2013 to 2015 followed by newspaper publications. Despite that, respondent no. 4 failed to contact the office and/ or to accept the proposal. In the meantime, C/4 has been allotted to M/s. Holycow Pictures Private Limited.

8. When the matter was taken up by this Court on 17.04.2025, the following order was passed:-

It has been informed by Mr. Abu Nasar who is appearing for the petitioner/BIADA, his name is appearing in the cause list on behalf of the respondent.

2. Office to do the needful.

3. Heard the parties.

4.. The petition has been filed for:-

"review of the order dated 30.07.2012 passed by Hon'ble Mr. Justice. V. N. Sinha (now retired) in CWJC No. 1964 of 2012, whereby the writ petition was disposed



of with a direction that authorities of BIADA were to take notice of the agreement for sale, the possession letter and no dues certificate issued in favor of the petitioner/respondent no. 4 by authorities of the BSFC and to resolve the dispute either by restoring plot no. C/4 fully described in Schedule A appended with the agreement in the same condition in which it was handed over to petitioner or to hand over any other plot to the liking of the petitioner.

5. Issue notice to the respondent no. 4 through both processes i.e. ordinary as well as registered cover with A/D for which requisites etc. must be filed within a period of three weeks failing which the application shall stand rejected without further reference to the Bench.

6. The Bihar Industrial Area Development Authority is also required to file a supplementary affidavit detailing out the present status of the case inasmuch as whether pursuant to offered made by it, the respondent no.4 has availed the same or not. Failure to



file the supplementary affidavit, a cost of Rs. 2000/- is to be deposited with the Patna High Court Legal Services Committee.

7. List this case after eight weeks on 19.06.2025.

9. Pursuant thereto, notice was issued to the respondent no. 4 and as recorded above, it has been validly served upon him but no one appears on his behalf.

10. The order of the writ Court was very clear- either to restore the plot no. C/4 or to provide any other plot to the liking of the petitioner. Till then, no construction be done on plot no. C/4.

11. In view of the fact that all the efforts of 'the BIADA' has been exhausted and the respondent no. 4 has chosen not to respond to it, the blocking of the construction on C/4 cannot continue.

12. In that background, the order dated 30.07.2012 passed by the Writ Court in CWJC No. 1964 of 2012 is modified to the following extent :

(i) 'the BIADA' shall be issuing a fresh notice upon the respondent no. 4 offering him alternate plot instead of plot no. C/4;

(ii) if the respondent no. 4 appears before 'the BIADA' on or before 31st December, 2025, the steps shall be taken for allotting him the plot in accordance with law and as per the terms



and conditions of ‘the BIADA’;

(iii) if the respondent no. 4 fails to approach ‘the BIADA’ despite proper service of notice, the offer of ‘the BIADA’ shall come to an end on 1st January, 2026.

13. So far as the plot no. C/4 is concerned, the allotment made by ‘the BIADA’ stands validated.

14. The review petition stands disposed of.

(Rajiv Roy, J)

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