

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2421 of 2024

M/S J.K. Industries Proprietor Md. Kalam Uddin, male, aged about 53 Years,
S/o Late Samsule Haque, R/o Village-At Milki, Post-Lalganj, District-Purnea-
854303.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industry/
Bihar Industry Area Department, Authority Government of Bihar, Patna.
2. The Director Bihar Industrial Area Development Authority Government of
Bihar, Patna.(BIADA).
3. M.D. BIADA First Floor Udyog Bhawan East Gandhi Maidan, Patna, Pin
Code-800004.
4. Regional Manger BIADA (Bhagalpur Industrial Area Development
Authority, P.O.-Barari, District-Bhagalpur.
5. Shri Gautam Kumar, Area Manager BIADA, Post-Maranga, District-Purnea,
Pin Code-854303
6. Assistant Development Officer Industrial Area Purneacity Purnea, Pin Code-
854303

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Prasad, Advocate.
For the Respondent/s : Mr. Sajid Salim Khan (SC 25).
For the BIADA : Mr. Parth Gaurav, Advocate.

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

9 17-02-2025 Heard learned counsel for the parties.

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

*“(i) for issuance of an
appropriate writ in the nature of
mandamus, commanding and directing the
respondent No. 5 to not evict the petitioner
illegally and by forcibly from his allotted
land 0.30 acre in favour of the M/s J.K.
industries through letter no.*



1369/27.08.2002 thereafter the Assistant Development Officer gave physical possession vide letter no. 328 dated 21.09.2002 its annexed as annexure-3 series to the petition without any decree passed by any competent court.

(ii) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent authorities to consider the representation dated 18.11.2002 in accordance with law as Annexure-4.”

3. Learned counsel appearing on behalf of the respondents has stated that though the petitioner has been allotted the subject property and paid the requisite amounts, the authorities has directed the petitioner to vacate the premises. Learned counsel has stated that the said action of the respondent-authority is contrary to the well settled principles of law and also the judgments of this Court as well as the Hon'ble Supreme Court. Learned counsel appearing on behalf of the respondents on the other hand vehemently opposed the very maintainability to the present writ petition. Learned counsel has stated that pursuant to the cancellation order (Annexure R/1) passed in the year 2007, the authorities have directed the petitioner to vacate the premises. Learned counsel has stated that though the show cause notices were issued to the petitioner prior to the passing of the order dated 17.08.2007 (Annexure R/1). The petitioner has failed to adhere to the said conditions.



The present writ petition filed by the petitioner in the year 2024 is devoid of merits and the same is liable to be dismissed. Learned counsel has stated that though the counter affidavit has been filed in the month of May 2024, the petitioner has not bothered to challenge the order of cancellation dated 17.08.2007 in Memo No. 865/D whereby the allotment made to the petitioner was cancelled and the amount paid by the petitioner was forfeited. Learned counsel has prayed for dismissing the CWJC in view of the above stated facts and circumstances.

4. Per contra, the learned counsel appearing on behalf of the petitioner has stated that the petitioner is not aware of passing of the order of cancellation dated 17.08.2007 till date as the said order was never communicated to the petitioner. Learned counsel has stated that except for the enclosing the order along with the counter affidavit, the authorities have not communicated the same to the petitioner. Therefore, prayed this Hon'ble Court to permit him to file an appropriate application either seeking amendment of the prayer or withdraw the present writ petition with a leave to file a fresh case challenging the order dated 17.08.2007.

5. Admittedly, as seen from the record though the order was passed on 17.08.2007 cancelling the allotment made



to the petitioner, the fact remains that the petitioner has not challenged the said order. The copy of the order dated 17.08.2007 was duly enclosed along with the counter affidavit which was filed in the month of May, 2024. Further, the petitioner except making a bald statement that the copy of the cancellation has not been served on him has not brought on record any material to substantiate his claim.

6. Having regard to the fact that the petitioner has almost kept quiet for a period of more than 16 years without challenging the order of cancellation dated 17.08.2007 without explaining the delay in approaching this Court, this Court is not inclined to entertain the present writ petition and the same is accordingly **dismissed**. In case, the petitioner is so advised, he is free to challenge the order dated 17.08.2007. However, it is made clear that this Court has not condoned the delay and it is for the Court to deal with the said issue in case the petitioner files a fresh case.

(A. Abhishek Reddy, J)

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