

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12789 of 2025**

M/s Maha Laxmi Rice Mill a proprietorship concern having its office at Plot No.- 16 and 17, Industrial Area Guraru, District- Gaya through its Authorized Signatory, Binod Kumar (Male) aged about 40 years, S/o- Raghuvir Yadav, R/o Vill.- Durve, Near FCI, Churi, P.S.- Chandauti, District- Gaya.

... .. Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority (BIADA) Udyog Bhawan, Gandhi Maidan, Patna through its Chairman -cum- 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 (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
5. The DGM, Industrial Area, Gaya Cluster, Bihar Industrial Area Development Authority (BIADA), Gaya.
6. M/s Astragenics Biosciences Private Limited, through its Managing Director, having its office at Plot No.- 16 and 17, Industrial Area Guraru, District- Gaya, Pin- 823002.

... .. Respondent/s

**Appearance :**

|                      |   |                                      |
|----------------------|---|--------------------------------------|
| For the Petitioner/s | : | Mr. Brisketu Sharan Pandey, Advocate |
| For the Respondent/s | : | Mr. Lalit Kishore, Sr. Advocate      |
|                      |   | Mr. Ayush Kumar, Advocate            |
|                      |   | Mr. Kanishka Shankar, Advocate       |
| For the Resp. No. 6  | : | Mr. Harsh Kumar, Advocate            |

**CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR**  
**ORAL ORDER**

15    21-07-2026                      Heard Mr. Brisketu Sharan Pandey, learned counsel  
  
for the petitioner and Mr. Lalit Kishor, Senior counsel appearing  
  
for the respondent- BIADA assisted by Mr. Ayush Kumar and  
  
also Mr. Harsh Kumar, learned counsel appearing for respondent  
  
no. 6.

3. In the present writ application, the petitioner has  
prayed for grant of following relief/s;

*“A. For issuing a writ in the nature of certiorari or*



*any other appropriate writ quashing the letter dated 02.08.2025 wherein the Respondent No. 5, purportedly invoking Section 12(1) Bihar Industrial Area Development Act, 1975, has directed the petitioner to remove the part of unit (calling it encroachment) from the south side of the allotted plot P-16 and P-17 of the Industrial Area, Guraru, Gaya in complete violation of the allotment letter dated 08.10.2022.*

*B. For holding that Section 12(1) of Bihar Industrial Area Development Act, 1975 cannot be invoked for an area which had been duly allotted to the petitioner.*

*C. For directing the Respondents to consider and decide the representation dated 15.09.2023 and request made by reply letter 02.05.2025 before taking any action of removal of alleged encroachment.*

*D. For issuing appropriate order(s) staying all further proceedings and consequential actions pursuant to the letter dated 02.08.2025.*

*E. For holding that the Respondent No.5 has issued the letter dated 02.08.2025 asking the petitioner to remove the construction from the sought side, even though the notices were issued to the petitioner seeking explanation for construction on the north side, with a view to protect and hide the construction done by Respondent No.6 on the road between Plot No. P-17 and P-18.*

*F. For passing such further or other order(s) as this Hon'ble Court may deem fit and proper in the circumstances of the case."*

4. From perusal of the prayer made in this writ application, it would appear to this Court that the basic issue, which requires adjudication by this Court is as to whether the petitioner being a proprietorship firm is in illegal possession of



the land of respondent-BIADA to the extent of 4124 sq. ft.(6'3") as is evident from the letter contained in memo No. 590 dated 20.08.2025 which appears to have been issued on the basis of measurement done on 15.05.2025 during inspection in the presence of senior officials of the respondent-BIADA, or not and the measurement done on 15.05.2025 has been carried out in the presence of the petitioner or its representative or not.

5. Learned counsels appearing for the respective parties have submitted their consent to dispose of this writ application at the admission stage itself adjudicating the limited issue as aforesaid.

6. Addressing the issue, as aforesaid, the learned counsel for the petitioner draws the attention of this Court to paragraph- 13 of this writ application and submits that the measurement has not been carried out on 25.07.2025. Although an information with regard to the measurement to be carried out on 25.07.2025 has been given to the petitioner but the same had been carried out behind the back of the petitioner on 26.07.2025 and a copy, thereof, has also not been provided to the petitioner, which is in complete violation of principles of natural justice. He further contends that since the measurement, as aforesaid, has been done by the respondent-BIADA in absence of the



petitioner on which the order impugned has been passed in purported exercise of powers conferred under Section 12(1) of Bihar Industrial Area Development Act, 1975, therefore, the same is absolutely illegal, arbitrary and unsustainable in the eye of law and deserves to be quashed and set aside.

5. On the other hand, learned Senior counsel appearing for the respondent-BIADA fairly submits that so many disputed questions of facts are involved in this writ application, however, since the issue, as has been pointed by this Court, is the same which the petitioner has raised in this writ application and that would suffice the purpose in order to redress the grievance of the petitioner, he has no objection at all if this writ application be disposed of with a direction to the respondent-BIADA to carry out a fresh measurement in the presence of the petitioner or its representative as well as all the parties to the writ application by a Government Circle Amin on a fixed date.

6. Taking note of the consent of the learned counsel for the respondent-BIADA and his sagacious attempt to secure the ends of justice in order to redress the claim of the petitioner, which is stated to have been in violation of principles of natural justice, this Court is left with no option but to set aside the



impugned order as contained in memo No. 590 dated 02.08.2025 passed by the Deputy General Managar, BIADA, Gaya, Cluster, which is at Annexure-P/1 to this writ application. Accordingly, this writ application stands allowed.

7. Consequently, the respondent-BIADA is directed to carry out an exercise of fresh measurement of the premises of the petitioner, which is to the tune of 130680 Sq.ft, in the presence of the petitioner or its representative as well as all the parties to the writ application by a Government Circle Amin by fixing a date, preferably, on 08.08.2026 at 11:00 A.M, in accordance with law and on such measurement is done, a copy, thereof, shall be communicated to the petitioner and all concerned.

8. The interim order granted earlier stands vacated.

9. All pending interlocutory applications, if any, shall stand disposed of.

10. The parties are at liberty to raise their grievance on the basis of fresh measurement in an appropriate proceeding, if so advised.

**(Girijish Kumar, J)**

dhameshwar/braj

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