
(2022) 03 JH CK 0015

In the Jharkhand High Court

Case No : Letters Patent Appellate No. 701 Of 2019

Hemlal Mahato

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 07-03-2022

Acts Referred:

Citation : (2022) 03 JH CK 0015

Hon'ble Judges : Shree Chandrashekhar, J; Ratnaker Bhengra, J

Bench : Division Bench

Advocate : Amit Kumar, Richa Sanchita

Final Decision : Dismissed

Judgement

1. Proprietor of M/s M.G. Printing Press who is the writ petitioner is aggrieved of the order dated 26th August 2019 passed in WP(C) No. 2993 of 2017.

2. By an order contained in letter No. 817 dated 9th May 2017, allotment of plot made in favour of M/s M.G. Printing Press was cancelled on the ground of violation of terms and conditions of the allotment.

3. Bokaro Industrial Area Development Authority (in short, BIADA) made allotment of a piece of land in plot No. A-80/1(P) area about 0.07 acres on certain terms and conditions, such as, (i) an agreement bond was to be executed by the allottee (ii) possession of the land to be handed over provisionally after payment of first installment of the land price (iii) the allottee should give preference in employment to the local people and (iv) plan of the industry to be approved within three months from the date of allotment for which the plan should be submitted before the Chief Inspector of Factory within one month. The appellant did not submit the plan for the industry nor could it start the industry. Before the Authority, the appellant took a plea that on account of paucity of fund the printing press for which the land was allotted could not be set up and instead of starting a printing press in the premises it was carrying the business of photocopy and book binding.

4. The appellant tried to assail legality of the letter dated 9th May 2017 on the ground that in the show-cause notice the ground as regards non-approval of the plan of the industry was not put to him. The learned writ Court addressed this issue in detail and referring to the judgments in "Escorts Farms Ltd. v. Commissioner, Kumaon Division, Nainital, U.P. & Ors." (2004) 4 SCC 281, "Dharampal Satyapal Ltd. v. Deputy Commissioner of Central Excise, Gauhati & Ors." (2015) 8 SCC 519, "Syed Yakoob v. Radhakrishnan" AIR 1964 SC 477, "Hari Vishnu v. Ahmad Ishaque & Ors." AIR 1955 SC 233, "Sawarn Singh v. State of Punjab" (1976) 2 SCC 868, "Heinz India (P) Ltd. v. State of U.P." (2012) 5 SCC 443, "Thansingh Nathmal v. Supdt. of Taxes" AIR 1964 SC 1419, "Pepsico India Holding (P) Ltd. v. Krishna Kant Pandey" (2015) 4 SCC 270 and "Chandavarkar Sita Ratna Rao v. Ashalata S. Guram" (1986) 4 SCC 447 came to a finding that remanding the matter in the circumstances of the case would not serve any purpose rather it would be a futile exercise.

5. Mrs. Richa Sanchita, the learned counsel for BIADA has informed the Court that possession of the land was taken by the Authority on 21st March 2017.

6. Before us, the appellant has not raised any new plea except those which were raised before the writ Court.

7. The learned counsel for the appellant has, however, pressed hard upon us to issue a direction to the Authority to consider a representation of the appellant, if there is any provision under the Bihar Industrial Area Development Authority Act, 1974.

8. After so many years, after cancellation of the allotment and taking over possession of the plot in question on 21st March 2017, we are not inclined to issue any direction to the Authority in this regard.

9. Finding no infirmity in the writ Court's order, LPA No. 701 of 2019 is dismissed.