

(2022) 11 PAT CK 0071

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 15412 Of 2022

Ramchandra Pathak

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 23-11-2022

Acts Referred:

Citation : (2022) 11 PAT CK 0071

Hon'ble Judges : Sanjay Karol, CJ; Partha Sarthy, J

Bench : Division Bench

Advocate : Rajiv Ranjan Kr. Pandey, Kritya Nand Jha, Kinkar Kumar, Devesh Shankaran

Final Decision : Disposed Of

Judgement

Petitioner has prayed for the following relief(s):

"1. i) For issuance of a writ or writs, order or orders, direction or directions for commanding to the respondents and issue an appropriate writ in the nature of certiorari to set aside the Impugned order bearing Gypank No-137/D dated 17.08.2022 issued by Respondent No. 6, Deputy General Manager (DGM), Bihar Industrial Area Development Authority, Patna, Cluster Office, Industrial Area, Patliputra, Bihar, Patna (Annexure-'1') whereby and where under respondent is order to cancelled the allotment of the land of 10,000 Sq. ft. of the petitioner, reason shown for closed the unit, upon which unit (Production of storage Batter) of the petitioner was established, without given the proper opportunity for hearing to the petitioner (M/s Mico Enterprises),

ii) For that issue a writ in the nature of mandamus, commanding to the Respondents to compliance the lease deed agreement, accordingly petitioner paid the total dues amount,

iii) For that direct to the Respondents to strictly followed the principal of natural justice and compliance the mandate principles of Patna Industrial Area Development Authority, 1973 now made Bihar Industrial Area Development

Authority, Bihar Industrial Policy 1986, Bihar Financial Act, 1981 etc.

iv) For that direct of the Respondents to not evict or dispossess the petitioner from peaceful possession over the land in question.

v) For that direct to the respondents to support the petitioner for smoothly functioning his Industry accordance to law.

vi) For that stay the operation of Impugned order contained in Annexure-'1' till the disposal of this writ application and further restrained to the respondents to not taken any harass action against the petitioner and his unit.

1/A. That for issuance of other writ/writs order/orders, direction/directions for which the petitioner is found entitle."

Pursuant to our previous order dated 11.11.2022, petitioner has now filed a supplementary affidavit furnishing the undertaking in the following terms:

"a) within 60 days, petitioner will start commercial production in the Unit, should the respondents hand over possession of the premises to the petitioner/recall the order of cancellation, failing which petitioner shall give vacant and peaceful possession of the premises to BIADA,

b) Within six months, petitioner shall make the Unit fully operational and functional in terms of the product sanctioned and allowed to be manufactured as per the original terms of allotment,

c) Petitioner shall clear all the dues payable to BIADA as on date,

d) Petitioner shall make itself complaint with all the statutory requirements, including the ones protecting interest of the employees,

e) In the event of failure on the part of the petitioner to comply with the undertaking, petitioner shall hand over the vacant and peaceful possession of the premises to BIADA with liberty for further allotment to 3rd party, when petitioner shall lose all rights therein and

f) Petitioner shall be liable for initiation of proceedings for contempt for having violated the undertaking furnished to the Court."

Learned counsel for BIADA states that petition can be disposed of in terms of the undertaking so furnished.

The undertaking is accepted and taken on record. Consequence of breach thereof, including initiation of proceedings for contempt having violated the undertaking furnished before this Court stands explained to the petitioner through the learned counsel.

As such, petition is disposed of in the following terms:-

(a). Undertaking of the petitioner dated 11.11.2022 (reproduced supra) is accepted and taken on record;

(b) Petitioner has been made aware of the consequences of breach thereof, including initiation of proceedings for contempt;

(c) In the event of default of the undertaking, petitioner shall hand over vacant and peaceful possession of the allotted property to BIADA;

(d) Liberty reserved to BIADA, to approach this Court, should the petitioner fail to abide by the undertaking furnished before this Court.

(e) Order dated 17.08.2022, passed by respondent no.6, namely The Deputy General Manager, Industrial Area, Patna Cluster, BIADA is quashed and set aside.

Petition stands disposed of in the aforesaid terms. Interlocutory Application(s), if any, stands disposed of.