

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(C) No. 1678 of 2020**

Rishabh Khandelwal ... .. Petitioner

Versus

1. The State of Jharkhand, through Principal Secretary, Department of Industries, Government of Jharkhand, Ranchi
2. Managing Director, Jharkhand Industrial Area Development Authority, Ranchi
3. Regional Director/Secretary, Jharkhand Industrial Area Development Authority, Bokaro Region, Bokaro Steel City, Bokaro
4. M/s. Khatu Shyamji Cement Manufacturing (P) Ltd., through its Director, Brij Mohan Agarwal having its office at Plot No. C-27 (P), C-28(P) and C-29, Kandra Industrial Area, Bhitia, PO & PS- Govindpur, District- Dhanbad
5. Sunanda Khandelwal

... .. Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner :- Mr. Ayush Aditya, Advocate

For the State :-A.C. to G.A.-III

For the JIADA :- Mr. C. A. Bardhan, Advocate

**Order No. 03**

**Dated: 09.07.2020**

The present case is taken up through video conferencing.

**2.** Learned counsel for the petitioner while advancing his argument confines the prayer made in the writ petition to the extent of issuance of direction upon the respondent- Jharkhand Industrial Area Development Authority (JIADA) to take decision on the petitioner's representation dated 06.03.2020 wherein it has been stated that the private respondents by using false and fabricated means have jeopardized the interest of the petitioner in relation to the plot no. C-29 within Kandra Industrial Area, Post- Bhitia, Govindpur, District- Dhanbad.

**3.** Learned counsel for the petitioner submits that Late Badri Prasad Khandelwal – ancestor of the petitioner, was allotted 0.17 acre and 1.25 acres of land on lease i.e. plot no. C-27(P) and plot no. C-29(P) within Kandra Industrial Area, Post- Bhitia, Govindpur, District- Dhanbad vide letters dated 22.09.1984 and 20.11.1984 respectively by the then Bokaro Industrial Area Development Authority for establishing a factory. In pursuance of the said allotment, Late Badri Prasad Khandelwal established an industry in the name and style of "Khandelwal Industries". The petitioner is the grandson of Late Badri Prasad Khandelwal and son of Late Rakesh Kumar Khandelwal. It is further submitted that the eldest son of Late Badri Prasad Khandelwal namely Ramkrishna Khandelwal and

his wife Sunanda Khandelwal (the respondent no.5) by creating forged and fabricated document illegally and without consent of other co-sharers have transferred the land in question in favour of respondent no. 4- M/s. Khatu Shyamji Cement Manufacturing (P) Ltd., more particularly by forging the signature of the petitioner's mother namely Radha Khandelwal and on creating such document, the right, title and interest of the petitioner over the said land was also transferred.

**4.** Learned counsel for the petitioner, in sum and substance, submits that Ramkrishna Khandelwal and his wife Sunanda Khandelwal (the respondent no. 5) have illegally leased the land in question in favour of the respondent no. 4, which is de hors the relevant regulation of JIADA. The said persons have no right to jeopardise the interest of the petitioner by making unlawful transfer of the land to the respondent no. 4.

**5.** Mr. C.A. Bardhan, learned counsel appearing on behalf of the respondent-JIADA, submits that the present matter requires factual determination at an appropriate level and as such if the petitioner prefers a fresh representation before the respondent no. 2- the Managing Director, Jharkhand Industrial Area Development Authority on the present issue, a decision will be taken by the said authority in accordance with law.

**6.** Having heard the learned counsel for the parties and keeping in view nature of the prayer made in the writ petition, without entering into the merit of the case, the petitioner is given liberty to prefer a fresh representation before the respondent no. 2 on the present issue. On receipt of the said representation, the respondent no. 2, after providing due opportunity of hearing to the petitioner as well as the other concerned parties including the respondent no. 4 - M/s. Khatu Shyamji Cement Manufacturing (P) Ltd. and the respondent no. 5- Sunanda Khandelwal, shall take informed decision in accordance with law, preferably within a period of four months from the date of filing of the said representation.

**7.** The writ petition is accordingly disposed of with aforesaid liberty and direction.

**(Rajesh Shankar, J.)**