

## **ORDER**

In pursuance to clause 19.3 of the BIADA Land Allotment Policy 2022, the Authority is hereby outlining the revised procedure for the resumption of possession of land.

The following process aims to streamline and facilitate the land resumption process for all stakeholders involved.

### **1. CASES IN WHICH THE RESUMPTION OF POSSESSION SHALL REMAIN STAYED**

- 1.1 The Authority shall resume possession of the land/shed under section 6(2)(b) of the BIADA Act after one month since the date of passing of the order of cancellation of allotment of the land if the allottee does not prefer an appeal under section 6(2)(a) of the BIADA Act before the State Government within one month and if the allottee prefers an appeal, the possession shall not be resumed during pendency of such appeal.
- 1.2 If the appeal preferred by the allottee under section 6(2)(a) of the BIADA Act before the State Government is dismissed, the Authority shall resume possession of the land in accordance with the procedure under clause 3 of the Policy.
- 1.3 In the presence of a stay order issued by the Hon'ble High Court or any competent court of jurisdiction prior to the initiation of resumption of possession, the process shall remain suspended



until the date when the stay order/ no coercive action subsequently vacated. During this period, no action shall be taken to resume possession in adherence to the legal requirements and due process dictated by the prevailing stay/no coercive action/no third party allotment order.

## **2. PROCEDURE OF RESUMPTION OF POSSESSION**

- 2.1 If the allottee fails to file an appeal within the prescribed period of one month or if the appeal is dismissed by the Appellate Authority, and no stay/no coercive action order has been issued by any competent court of jurisdiction, the Cluster Incharge (DGM ID) concerned shall duly serve a notice upon the allottee, allowing a period of one week for voluntary surrender of possession. The notice shall be delivered to the allottee or representative of the allottee at the registered address of the unit through registered post, electronic means such as email or WhatsApp. In the event that the allottee or representative is not present at the unit or refuse to take the notice and diligent efforts to serve the notice have been made, it shall be affixed to a conspicuous part of the unit's boundary or at the primary entrance gate, in the presence of two witnesses.
- 2.2 A proof of service of such notice shall be preserved in official records at cluster office.
- 2.3 On the designated date and time, the duly authorized Area Manager/Asst. Area Manager shall effectuate the process of



possession resumption for the unit's land and shed, if applicable, in the presence of the allottee, should they choose to be present.

- i. Comprehensive visual documentation, both internally and externally, shall be made capturing conclusive photographic evidence substantiating the handover of possession for future reference.
- ii. An inventory list shall be prepared, providing comprehensive details of the unit's existing physical condition and layout at the time of resumption of possession encompassing all pertinent elements, including but not limited to any constructions or structures such as buildings or sheds, presence of machinery or equipment, raw materials, and any other relevant articles over the land. A copy of the inventory list shall be furnished to the allottee, should they be present during the process.
- iii. If, at the time of resumption of possession, the unit is locked and allottee is not present, the Authority shall take constructive possession over the land by putting a lock of BIADA and affixing a notice to that effect on any conspicuous part of the boundary of the unit or at the main entrance gate. A formal certificate, denoting the takeover of possession and including the inventory to the extent practicable, shall be prepared and forwarded to the allottee, along with a request to promptly remove the lock, failing which shall necessitate the removal of the lock by the Magistrate, as per prevailing legal procedures.



- iv. In case of any resistance or obstruction encountered by the allottee during the possession resumption process, appropriate assistance shall be sought through the involvement of the District/Police Administration, ensuring the maintenance of law and order.
- v. The signatures of two witnesses, preferably independent, shall be procured on the possession documents and inventory list. In the event that independent witnesses are not available, the signatures of BIADA personnel present at the site shall be duly obtained, accompanied by a declaration stating the unavailability of independent witnesses during the inventory and possession resumption process.
- vi. A copy of the possession letter, inventory list, and accompanying photographs shall be expeditiously transmitted via email to the Executive Director (E.D.) concerned/ DGM(Legal) on the same day. If any writ petition has been filed by the allottee before the Hon'ble High Court, the notification of possession taken by BIADA shall be promptly conveyed to the legal counsel representing BIADA, ensuring that the Hon'ble High Court is duly informed at the earliest opportunity.
- vii. Following the successful possession resumption of the plot/shed, the allottee shall be granted a grace period of 15 days to remove their plants and machinery and any other

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relevant articles, failing which shall result in the initiation of auction proceedings for the aforementioned assets.

- viii. Where any auction has been taken against such plant and machinery and other relevant articles, all costs, charges and expenses which, in the opinion of the authority, have been incurred by him or any expenses incidental thereto, shall be recoverable from the proceeds of auction, to be held by the authority in trust, to be applied, firstly, in payment of such costs, charges and expenses and secondly, in discharge of the dues of BIADA and the residue of the money so received shall be paid to the allottee entitled thereto in accordance with his rights and interests

3. The contents of this order may be brought to the notice of all concerned in the Authority for strict adherence.

Sd/-

Executive Director (Operations)  
BIADA, Patna.

Date:- 28/06/23

Memo No:- 4003/ESH

Copy forwarded to:- Joint Managing Director, BIADA/All Executive Director, BIADA/ All D.G.M, BIADA/ I.T. section, BIADA/M.D, cell BIADA Patna, for information and necessary action.

28/6/23

Executive Director (Operations)  
BIADA, Patna.