

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2999 of 2020

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M/s CTS Industries Ltd. Collegiate School Road, Jagio, Mohalla Begusarai, Police Station-Town, District-Begusarai, through its Director Purushottam Kumar Tulsyan aged about 52 years (male) son of Sri Sitaram Tulsyan, resident of Vasant Kunj A-45, Choudhary Farm, Shanti Kunj, Police Station-Vasant Kunj, New Delhi-110070.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Industrial Department, New Secretariat, Patna.
2. The Bihar Industrial Area Development Authority through its Managing Director, Bihar Udyog Bhawan, Patna.
3. The Managing Director, B.I.A.D.A Udyog Bhawan, Patna.
4. The Executive Director, B.I.A.D.A Udyog Bhawan, Patna.
5. The Bihar Industrial Area Development Authority, Darbhanga through its Executive Director.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Adv. Ms. Shweta Anand, Adv. Ms. Aastha Ananya, Adv.
For the BIADA	:	Mr. Bindhyachal Singh, Sr, Adv. Mr. Prashant Pratap, Adv.
For the Respondent/s	:	Mr. Abbas Haider (Sc6)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

19 18-10-2023 Even though both the counsel have argued at length on the merits of the case regarding various aspects, this Court is not inclined to go into those questions but dealing with only one question i.e. that the petitioner has not been heard personally before the impugned order is passed. A perusal of the impugned order reveals that the petitioner was not given any personal hearing before the orders are passed. Moreover, the authority except stating that the explanation submitted by the petitioner is



not satisfactory has not given any other reason. The order is bereft of reasons and therefore liable to be set aside. The impugned order is accordingly set aside and the matter remanded back to the authority concerned for passing orders afresh duly taking into consideration the explanation submitted by the petitioner as well as any third party in whose favour BIADA seems to have subsequently allotted the subject property. In case the BIADA authorities want to issue any fresh notice bringing on record the subsequent events that have taken place on any fresh ground for cancellation, they are at liberty to do so, in which case, the petitioner shall be given an opportunity of filing a fresh explanation to the said show cause notice. The petitioner shall be given reasonable time for filing his explanation and also an opportunity of hearing. The authorities are obligated to pass a reasoned order duly taking into account the explanation submitted by the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of six weeks from the date of receipt of the copy of this order. It is also made clear that as the possession is stated to be with BIADA, the possession shall continue to remain with the BIADA till final orders are passed. In case the petitioner succeeds, the possession will be handed over to the petitioner



subject to such terms and conditions as BIADA may impose.

Learned counsel for the petitioner has stated that in the interregnum, the petitioner may be permitted to remove the finished products which are lying in the subject premises. Having regard to the said submission, the petitioner is permitted to remove the finished products which are lying in the subject premises. The petitioner is directed to make a representation to the authority within a period of one week from today. On such representation being made, the official respondents shall immediately permit the petitioner to remove the finished product after making an inventory of the same.

With the above directions, the writ petitioner stands disposed of. Any orders passed shall be communicated to the parties.

(A. Abhishek Reddy , J)

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