

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11440 of 2016

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M/s Lakshmi Electro Porcelain Industrial Area, Buxar through its Proprietor, Jitendra Prasad Singh S/o Late Janardan Prasad Singh, resident of Village and Post Mugaon, P.S.- Koran Sarai, District- Buxar-802101.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Industries, Govt. of Bihar, Patna.
2. The Managing Director, Bihar Industrial Area Development Authority, First Floor, Udyog Bhawan, East of Gandhi Maidan, Patna-80004.
3. The Executive Director, Bihar Industrial Area Development Authority, First Floor, Udyog Bhawan, East of Gandhi Maidan, Patna-80004.
4. The Area Incharge, Industrial Area, Buxar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1274 of 2023

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M/s Laxmi Electro Porcelain works Industrial Area Buxar Bihar through its proprietor Jitendra Prasad Singh, S/O Late Janardan Prasad Singh, Aged about 68 years, Gender-Male residing at A-403, Sharda Lok Apartment, Gandhi Path, Gate No.-2, Nehru Nagar, Patliputra Patna-13.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Industries, Govt. of Bihar, Patna.
2. The Principle Secretary, Department of Industries, Govt. of Bihar, Patna.
3. Bihar Industrial Area Development Authority-through its Managing Director, Udyog Bhawan, East Gandhi Maidan, Patna-4.
4. Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi, Maiden, Patna-4.
5. Executive Director, Bihar Industrial Area Development Authority, Patna cluster, Industrial Area, Patliputra Patna-13.
6. Development Officer, BIADA, Patna.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 11440 of 2016)

For the Petitioner/s : Mr. Sriram Krishna, Adv.

Mr. Amarjeet , Adv.

Mr. Prabhat Kumar Singh, Adv.

For the Respondent/s : Mr. Manish Kumar, AC to AAG-6 I/c AAG-5.

For the BIADA : Mr. Avinash Kumar, Adv.



(In Civil Writ Jurisdiction Case No. 1274 of 2023)

For the Petitioner/s : Mr. Lalan Kumar, Adv.

For the Respondent/s : Mr. Kinkar Kumar, SC-9.

Mr. Ashutosh Kumar Upadhyay, AC to SC-9.

For the BIADA : Mr. Avinash Kumar, Adv.

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

4 18-09-2023

Re. CWJC No. 11440 of 2016

Learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present writ petition.

2. Permission is granted.

3. Accordingly, the present writ petition stands dismissed as withdrawn.

Re. CWJC No. 1274 of 2023

Heard learned counsel for the parties.

2. The present writ petition has been filed for the following reliefs:-

“(A) In the nature of "certiorari" for setting aside the order as contained in Memo No. 576 dated 26.11.2022 whereby and where under the allotment of land made to the petitioner company at BIADA, Buxar has been cancelled in terms of order dated 01.07.2020 passed in Appeal Case No. 21/2019 reviving the earlier cancellation order as contained in Memo No. 742 dated 23.02.2016 and further also for setting aside the same.

(B) In the nature of "mandamus" directing and commanding the respondent authorities not to disturb the possession of the land allotted to the petitioner at C-10, 11 and D-3 and D-4 at BIADA, Buxar admeasuring 44,000 Sq. ft.

(C) In the nature of "mandamus" also for a direction to allow the petitioner to continue



his production of cement related works which is being continued after the cancellation made by Memo No. 742 dated 23.02.2016 at the aforesaid premises.

3. Learned counsel for the petitioner has stated that the order impugned in the present CWJC is liable to be set aside on the sole ground that the same is passed without putting the petitioner on prior notice of calling for his explanation and the same is in violation of principles of natural justice and equity.

4. The above statement has not being controverted by the counsel for the respondents. Therefore, without going into merits or demerits of the case, having regard to the fact that the impugned order dated 26.11.2022 passed by the authority concerned is without putting the petitioner on show cause notice or giving him an opportunity of filing his explanation, the same is set aside. The matter is remanded back to the authority concerned for passing orders afresh duly putting the petitioner on notice and calling for his explanation. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of the receipt of the copy of this order.

5. It is made clear that before passing any order, the petitioner shall be put on notice and given an opportunity of hearing. Any order passed shall be communicated to the parties.



6. Accordingly, the present Writ Petition stands
allowed to the extent indicated.

(A. Abhishek Reddy , J)

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