

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3735 of 2024

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M/s M.D. International, Industrial Area, Fatuha through its proprietor Meena Devi, aged about 58 years, wife of Uma Shankar Bhagat, R/o 1st Floor, New Colony, above PCS Kids Paradise School, P.S.- Kankarbagh, District- Patna
... Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Industries, Government of Bihar.
2. The Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna through its Managing Director.
3. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
4. The Joint Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
5. The Deputy General Manager, Bihar Industrial Area Development Authority (BIADA), BIADA Patna Cluster, Patliputra.
6. The Assistant Area Manager, Industrial Area, Fatuha ... Respondents

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Appearance :

For the Petitioner	:	M/s Ashutosh Kumar Singh & Deo Prakash Singh, Advs.
For the State	:	Mr.Prashant Kumar, AC to SC V
For the BIADA	:	M/s Avinash Kumar & Ajay Kr. Mehta, Advs.

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

7 02-09-2024 I.A. No. 2 of 2024

For the reasons stated in the Interlocutory Application No. 2 of 2024. The prayer made in the interlocutory application is allowed.

2. A perusal of the impugned order passed by the Additional Chief Secretary, Department of Industries, Government of Bihar, reveals that the said order is not passed on merits but only on the ground that a Writ Petition has been filed by the petitioner. However, it is pertinent to note that the Writ



Petition was filed challenging the Letter No. 31, dated 08.02.2024 (Annexure 13) whereby the petitioner was directed to hand over the physical possession of the subject property within seven days. The Appellate Authority while disposing of the appeal was under the impression that the petitioner challenged the order of cancellation, dated 16.01.2024, however, the same is factually not correct.

3. Having regard to the fact that the impugned order passed by the Appellate Authority dated 05.02.2024 is not on merit but under the wrong premise that the Writ Petition is filed challenging the order of cancellation. The impugned order is set aside. The Appellate Authority is directed to hear the appeal on merits and pass a reasoned order.

4. It is needless to mention that before passing any orders, the petitioner shall be put on notice and given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order. Any order passed shall be communicated to the parties.

5. Till such time the appeal is heard and final orders are passed the authorities are directed not to take any coercive steps against the petitioner.



6. It is made clear that this Court has not gone into the merit of the case and leaving all issues to be raised by the petitioner and to be decided by the authorities.

7. With the aforesaid directions, the present Writ Petition stands disposed of.

(A. Abhishek Reddy , J)

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