IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4358 of 2024

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M/s Being Foody, A proprietorship firm having its office at Plot No. D-16, Industrial Growth Center, Gidha, District- Arrah through its proprietor Madhu (Female) aged about 31 Years W/o Gourav Gunjan, Resident of House No. 184, Masan Marg, North PO and PS- Sri Krishna Puri, District Patna, Bihar.

... ... Petitioner/s

Versus

1. The Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna through its Chairman cum- Managing Director.
2. The Chairman cum Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
3. The Joint Managing Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority (BIADA), Udyog Bhawan, Gandhi Maidan, Patna.
5. The DGM, Industrial Area, Bihta Cluster, Bihar Industrial Area Development Authority (BIADA) Industrial Growth Center, Gidha, District- Aarah.
6. The DGM, Industrial Area, Patna Cluster, Bihar Industrial Area Development Authority (BIADA), District-Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brisketu Sharan Pandey, Adv.
For the Respondent/s	:	Mr. Lalit Kishore, Adv.
For the BIADA	:	Ms. Prakritita Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

6 23-07-2024 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following relief(s):-

> *"A. For issuing a writ in the nature of certiorari or any other appropriate writ quashing the order dated 25.01.2024 (Annexure-P/1) passed by the Respondent No. 5 whereby and whereunder the application of the*

petitioner for availing the benefit of the One Time Transfer Opportunity, 2023 has been rejected without assigning any reason at the behest of directions of Respondent No. 2.

B. For issuing a writ in the nature of certiorari or any other appropriate writ quashing the order of cancellation dated 23.07.2022 passed by Respondent No. 6 (The DGM, Industrial Area, Patna Cluster), whereby the allotment of Plot No. : D-16 admeasuring an area of 10,000 sq ft which was allotted to the Petitioner in the year 2018 in the Industrial Area, Gidha was cancelled.

C. For issuing a writ of mandamus or any other appropriate writ directing the Respondents to restore the possession of the plot, if taken during the pendency of this writ application.

D. For issuing a writ or any other appropriate writ directing the Respondents to allow the petitioner to transfer the plot in accordance with the One Time Transfer Opportunity, 2023.

E. For issuing appropriate order (s) staying all further proceedings and consequential actions pursuant to the order dated 25.01.2024 (Annexure-P/1).”

3. A perusal of the impugned order dated 25.01.2024 reveals that the authority concerned has not assigned any reason whatsoever for rejecting the application made by the petitioner

under the One Time Transfer Opportunity, 2023. Further, it is to be noted that the authority thereafter passed another order dated 28.03.2024 giving the reasons for passing the order dated 25.01.2024. The same is impermissible under law. The authority cannot pass another orders giving reasons in support of the earlier order which admittedly is bereft of reasons.

4. This Court as well as the Apex Court, on number of occasions, have held that any authority/Court/quasi judicial authority have to necessarily give reasoning in the order passed by them. Unless reasoning is given in the order, neither the party nor Courts before whom the order is challenged will be in a position to appreciate as to what has weighed with the said authority either for dismissing or allowing the application of the party. Though the quasi judicial or administrative authority are not obligated to give a lengthy or elaborate reasoning as in the case of Judicial order, yet they are expected to give a reasoned order which should be precise, concisely setting out the reason for allowing or dismissing the contention/application as the case may be.

5. In **Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota vs. Shukla and Brothers**, reported in **(2010) 4 SCC, 785**, the Hon'ble

Supreme Court has held as under:

> *"………. while exercising the power of judicial review on administrative action and more particularly the judgment of courts in appeal before the higher court, providing of reasons can never be dispensed with. The doctrine of audi alteram partem has three basic essentials. Firstly, a person against whom an order is required to be passed or whose rights are likely to be affected adversely must be granted an opportunity of being heard Secondly, the authority concerned should provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or speaking order…….*
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> *……. A litigant who approaches the court with any grievance in accordance with law is entitled to know the reasons for grant or rejection of his prayer Reasons are the soul of orders Non-recording of reasons could lead to dual infirmities; Firstly, it may cause prejudice to the affected party and secondly, more particularly, hamper the proper administration of justice. These principles are not only applicable to administrative or executive actions, but they apply with equal force and, in fact, with a greater degree of precision to judicial pronouncements. The orders of the court must reflect what weighed with the court in granting or declining the relief claimed by the applicant."*

6. Having regard to the above the impugned order dated 25.01.2024 and 23.07.2022 are both set aside. The matter is remanded back to the authority for passing a reasoned order afresh duly giving an opportunity of hearing to the petitioner. The entire exercise shall be completed as expeditiously as

possible preferably within a period of eight weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the petitioner. Till such time the final orders are passed by the authority, no third party interest shall be created.

(A. Abhishek Reddy , J)

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