

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12763 of 2024

1. M/s Durgawati Steel Industries through its Proprietor Anil Kumar Trivedi (male), aged about 50 years, S/o Late Jagnarayan Trivedi, R/o Mohalla Purana Chowk, Ward No. -25, Buxar, Registered Office at Industrial Area, Buxar, Bihar.
2. Smt. Shobha Singh, W/o Sri Ashutosh Kumar Singh, Authorised representative cum partner of M/s Durgawati Steel Industries, R/o Mohalla -Shivratri Sadan, Maharaja Hata, Registered Office at Industrial Area, Buxar, Bihar. ... Petitioners

Versus

1. The Bihar Industrial Area Development Authority (BIADA) Udyog Bhawan, Gandhi Maidan, Patna through its Managing Director.
 2. The Chairman, Bihar Industrial Area Development Authority (BIADA) Udyog Bhawan, Gandhi Maidan, Patna.
 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 Executive Director, South, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna, Bihar.
 6. The Deputy General Manager, Bihta Cluster, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna, Bihar.
 7. The Manager, Bihta Cluster, Bihar Industrial Area Development Authority (BIADA), 1st Floor, Udyog Bhawan, Gandhi Maidan, Patna, Bihar.
 8. The Area Manager, Bihar Industrial Area Development Authority, Industrial Area, Buxar, P.S.-Buxar, District-Buxar. ... Respondents
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Appearance :

For the Petitioners	:	Mr.Sachin Kumar, Adv.
For the Respondents	:	Mr.Prashant Pratap, Adv.

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

4 24-10-2024 Heard the learned counsel for the parties.

2. This Court vide order, dated 22.04.2024 passed in C.W.J.C. No. 8745 of 2023, has set aside the earlier order of cancellation and the order passed by the appellate Court, dated 01.06.2023, and remanded the matter back to the authorities



concerned for issuing a fresh show cause notice to the petitioners containing the details of violations, if any. However, the authority without issuing any fresh show cause notice to the petitioners has only issued notice intimating the date of hearing and passed the impugned order cancelling the allotment made in favour of the petitioner (Annexure P 13) When this Court has specifically directed the authority to issue a fresh show cause notice to the petitioners containing the details of violation, if any, the authority cannot rely on the earlier order of cancellation and proceed as per the earlier show cause notice.

3. A perusal of the order reveals that the authority has not applied its mind and has not followed the order of this Court passed in C.W.J.C. No. 8745 of 2023 (Annexure P 11), dated 22.04.2024, in true letter and spirit. On this sole ground alone the impugned order is liable to be set aside. Further it is to be noted that the authority was directed to put the petitioner back in possession of the subject property before issuing any show cause notice even that has not been complied by the said authority.

4. Having regard to the above the impugned order is set aside. The authorities are directed to put the petitioners back in possession of the subject property within a period of two



weeks from the date of receipt of this order. Thereafter issue a fresh show cause notice, containing the details of violations, if any, and give him an opportunity of filing his explanation. The entire exercise shall be completed as expeditiously as possible preferably within a period of 12 weeks thereof. After receipt of the explanation from the petitioners within the stipulated time the authority shall pass necessary orders in accordance with the law duly taking into account the explanation given by the petitioners. Needless to observe that petitioners shall be given an opportunity of hearing. Any orders passed shall be communicated to the petitioners.

5. It is made clear that in case the possession of the subject property is not handed over to the petitioners, this Court will be constrained to take suo moto contempt proceeding against the concerned authorities for violation of the orders of this Court.

6. With the above directions, this Writ Petition stands allowed for the extent indicated.

(A. Abhishek Reddy , J)

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