

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9428 of 2023

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M/s Servoplast through its one of its Partners namely, Ashok Kumar Sinha (male), aged about 72 years, Situated at Plot No. C- 8 and C- 9, Industries State, Bela, P.O.- MIC, P.S.- Bela, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Industries, Government of Bihar, Patna.
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The Additional Chief Secretary, Department of Industries, Government of Bihar, Patna.
4. The Bihar Industrial Area Development Authority, through its Managing Director, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004.
5. The Managing Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004.
6. The Deputy General Manager, Bihar Industrial Area Development Authority, Muzaffarpur Cluster, 1st Floor, Udyog Bhawan, East Gandhi Maidan, Patna- 800004.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Adv.
For the Respondent/s : Mr. Gyan Prakash Ojha (Ga7)

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

21 10-04-2025

Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

i) A writ in the nature of certiorari or any other appropriate writ or order be issued, quashing the Order dated 29.05.2023 passed by the Respondent No. 3 passed in Appeal No. 132/2023 filed by the Petitioner whereby and whereunder the Appeal filed by the Petitioner has been dismissed in a mechanical, arbitrary,



whimsical and pick and choose manner.

ii) A writ in the nature of certiorari or any other appropriate writ or order be issued, quashing the office Order vide memo No. 1642 dated 30.12.2022 communicated by the Respondent No. 6, whereby and whereunder the allotment of the part of land having an area 8000 Sq. Ft. allotted to the Petitioner out of the total land admeasuring an area of 21780 Sq. Ft. situated in Industrial Area, Bela, Muzaffarpur, has been Cancelled on non-est, non-sustainable ground in complete violation of the principles of natural justice.

iii) A writ in the nature of mandamus or any other appropriate writ or order be issued, commanding or directing the respondents not to create any third party right over the area of land which has been cancelled and also not to take any coercive steps against the Petitioner till the disposal of the instant writ petition.

3. A perusal of the orders passed by the primary authority reveals that before passing the order of cancellation, no show cause notice was issued to the petitioner. On this ground alone, the impugned order is liable to be set aside. This Hon'ble Court as well as the Hon'ble Supreme Court in a catena of cases has time and again held that the authorities before passing any adverse orders against any person have to



necessarily put that person on notice and give him an opportunity of filing his explanation but the same is evidently missing in this case. The non-issuance of the show cause notice to the petitioner before passing order of cancellation is contrary to the principles of natural justice and equity and, therefore, the same liable to be set aside. Once the order of the primary authority is held to be bad and is set aside, the order passed by the appellate authority does not have any independent legs to stand and the same is also liable to be set aside. Having regard to the same, both the order of cancellation dated 30.12.2022 and the order of the appellate authority dated 29.05.2023 are set aside. In case the authorities are of the opinion that any action needs to be taken against the petitioner, they shall issue a show cause notice to the petitioner calling for his explanation. After receipt of the explanation, they shall pass necessary orders giving the reasons for the same. 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. It is needless to mention that before passing any order, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated issued to the petitioner. As it is stated by the learned counsel for the petitioner as well as the



learned counsel for the respondents that the possession of the unit has already been taken by the authority concerned the petitioner shall be put in possession of the same forthwith.

4. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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