

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1575 of 2013
Arising out of
Civil Writ Jurisdiction Case No. 356 of 2007**

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1. The State of Bihar
 2. The Chief Secretary, Government of Bihar, Patna
 3. The Finance Commissioner, Govt. of Bihar, Patna
 4. The Secretary Minor Irrigation Department, Govt. of Bihar, Patna

.... Appellant/s

Versus

1. Smt. Satyabhama Devi Wife of Sri Madan Singh Resident of Road No.- 13, Rajendra Nagar, P.S.- Kadamkuan, District- Patna
2. The State of Jharkhand
3. The Chief Secretary, State of Jharkhand, Ranchi
4. The Secretary, Minor Irrigation Department, Govt. of Jharkhand, Ranchi
5. The Jharkhand Hill Area Lift Irrigation Corporation Limited, C- 24, Gate No. 1-A, Park Road No.- 1-A, Ashok Nagar, Ranchi, through its Managing Director
6. The Managing Director, Jharkhand Hill Area Lift Irrigation Corporation Limited, C- 24, Gate No. 1A, Park Road No.- 1A, Ashok Nagar, Ranchi
7. The Regional Manager, Jharkhand Hill Area Lift Irrigation Corporation Limited Regional Office, Hazaribagh
8. The Area Manager, Jharkhand Hill Area Lift Irrigation, Corporation Limited, Area Office, Hazaribagh
9. Sri Ashok Kumar Sharma, The Then Area Manager, Bihar Hill Area Lift Irrigation Corporation Ltd., Hazaribagh, Present Deputed in Police Construction Department, Hazaribagh
10. The Union of India through The Secretary, Ministry of Home Affairs, Govt. of India, New Delhi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sourendra Pandey, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-09-2017

Delay of 329 days in filing of this appeal is condoned.

I.A. No. 8680 of 2013 stands allowed and disposed of.

Seeking exception to an order dated 25.09.2012 passed



by the learned Writ Court in C.W.J.C. No. 356 of 2007, this appeal has been filed under Clause 10 of the Letters Patent.

A house situated in Ward No. 1, Holding No. 327-A at Hazaribagh, known as Bihar Hill Area Lift Irrigation Corporation Ltd. (for short "BHALCO") was rented out by the respondent Smt. Satyabhama Devi to "BHALCO". The Corporation was in occupation of an area measuring 2531 sq. ft. and was paying rent to the respondent petitioner. However, dispute started after the Bihar Reorganization Act, 2000 came into force and a new State of Jharkhand was created on 15.11.2000. When rent for the said premises was not being paid, the writ petition in question was filed and the Writ Court after examining various aspects of the matter, the bifurcation of BHALCO and creation of a new Corporation for the State of Jharkhand, known as JHALCO and the agreement entered into between JHALCO and the land lady directed that rent up to September, 2004 should be paid by the present appellant BHALCO and thereafter in accordance to the agreement entered into between JHALCO and the house owner in 2004 after 2004 the rent shall be paid by the authorities of Jharkhand. It is the case of the appellants that once the property was situated in the State of Jharkhand and JHALCO was responsible for payment of rent after the reorganization of the State no liability could be posted upon the appellants. However,



we find that in the matter of distribution of assets between the Corporation created for the State of Jharkhand and BHALCO, the dispute has to be resolved in accordance to the statutory provision contained in the State Reorganization Act by reference of the matter to the Union of India and merely because the rent has been appropriated between the States of Bihar and Jharkhand for certain period, we see no reason to make any indulgence into the matter. The appellants may pay rent as directed by the High Court and thereafter raise a claim with the authorities of the State of Jharkhand by referring to the dispute to the Union of India under the State Reorganization Act, 2000 and the Union of India shall resolve the dispute *inter se* between the JHALCO and BHALCO by taking recourse to the remedy provided under the State Reorganization Act.

With the aforesaid liberty to the appellants, we dispose of the Letters Patent Appeal.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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