

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.200 of 2024
In
Civil Writ Jurisdiction Case No.18859 of 2011

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The State of Bihar through the Engineer in Chief, Minor Water Resources Department, Government of Bihar, Patna (as the then Project Co-ordinator Mr. K. N. Lall has already retired and the post has been redesignated as the Engineer in Chief, Weter Resources Department.

... .. Appellant/s

Versus

- 1. The Union of India
- 2. The Registrar, Debtrs Recovery Tribunal (D.R.T.) Patna.
- 3. The State of Jharkhand through the Secretary, Water Resources Department, Jharkhand, Ranchi.
- 4. The Managing Director, Jharkhand Hill Area Lift Irrigation Corporation (JHALCO), Ranchi.
- 5. The Branch Manager, Santhal Pargana Gramin Bank, Dumka, Jharkhand.
- 6. State Bank of India stressed Assets Management Branch, Administrative Building, 5th Floor, J.C. Road, Patna-1 through the Chief Manager, Sri Naba Kumar Bose.

... .. Respondent/s

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with
Letters Patent Appeal No. 193 of 2024
In
Civil Writ Jurisdiction Case No.18710 of 2011

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The State of Bihar Through the Engineer-in-Chief, Minor Water Resources Department, Government of Bihar, Patna As the then Project Co-ordinator Mr. K. N. Lall has already retired and the post has been redesignated as the Engineer-in-Chief, Water Resources Department.

... .. Appellant/s

Versus

- 1. The Union of India
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- 4. The Managing Director, Jharkhand Hill Area Lift Irrigation Corporation (JHALCO), Ranchi.
- 5. The Branch Manager, Santhal Pargana Gramin Bank, Dumka, Jharkhand.

... .. Respondent/s

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Appearance :
(In Letters Patent Appeal No. 200 of 2024)
For the Appellant/s : Mr. P.K Shahi, AG



For the Respondent/s : Mr. Rakesh Kumar Ranjan (AC To GA 5)
Dr. K.N. Singh (Addl. Solicitor General)
Mr. Prakash Chandra Agrawal, Sr. CGC
(In Letters Patent Appeal No. 193 of 2024)
For the Appellant/s : Mr. P.K. Shahi, AG
Mr.Rakesh Kumar Ranjan (A.C. To G.A.5)
For the Respondent/s : Dr. K.N. Singh (Addl. Solicitor General)
Mr. Prakash Chandra Agrawal, Sr. CGC

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 08-07-2024 The appellant in both these cases is the State of Bihar who is not even a party before the learned Single Judge. Before the learned Single Judge, one Project Co-ordinator Tubewell Wings, Minor Water Resources Department, Bihar, Patna in his personal capacity had filed the writ petition challenging the order passed by the Debt Recovery Officer, Debt Recovery Tribunal, Patna. The learned Single Judge dismissed both the writ petitions on the ground that the appellant has alternative remedy of filing appropriate appeal against the order passed by the Recovery Officer, Bihar, Patna.

2. In the present appeals, the State of Bihar seeks to take up the cause on the ground that the recovery is with respect to the Bihar State Hill Area, Lift Irrigation & Development Limited which was a company incorporated in the original State of Bihar and specifically included in the Ninth scheduled under



the Bihar Reorganization Act, 2000. After reorganization of the State of Bihar the company had absolutely no activity within the State of Bihar and was completely confined to the State of Jharkhand, is the contention raised. We do not see why the State also cannot raise the matter in a properly instituted appeal before the Debt Recovery Appellate Tribunal. In any event the remedy has been granted by the learned Single Judge despite the fact that the State of Bihar is not a party. If recovery is initiated against them, they would have the alternate remedy as suggested by the learned Single Judge.

3. With the above observation, both these appeals stand dismissed.

4. Any delay caused, would be considered on merits by the Debt Recovery Tribunal, Patna and also considering the fact that one of the Officers of the State was before this Court with two writ petitions against the order of the Recovery Officer.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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