

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 2796 of 2011

Jharkhand State Electricity Regulatory Commission, Ranchi ... Petitioner
Versus
The State of Jharkhand through its Principal Secretary of
Home Department, Ranchi & Ors. ... Respondents

CORAM: HON'BLE MRS. JUSTICE POONAM SRIVASTAV

For the Petitioner : M/s Sudarshan Shrivastava, Sunil Singh, Advocates
For the Respondents : J.C. to S.C. I

02/08.06.2011 The instant writ petition has been preferred by Jharkhand State Electricity Regulatory Commission, challenging the proceedings initiated against them under Bihar Government Premises (Rent, Recovery & Eviction) Act, 1956. The notice itself has been challenged in the writ petition on the ground that since there is no notification under Section 85 of the Bihar Reorganisation Act, 2000, the aforesaid Act cannot be adopted for eviction of the petitioner in the State of Jharkhand.

Counsel appearing on behalf of the petitioner has placed a notification issued by the State of Jharkhand dated 15.11.2000 adopting the Bihar Building (Lease, Rent & Eviction) Control Laws, Bihar Act No. 4 of 1983. The notification no. 2754 dated 14.11.2002 is a notification under Section 85 of the Bihar Reorganisation Act, 2000. It has further been asserted that a written statement was filed by the petitioner challenging the jurisdiction and the application of the Act and the consequent proceedings before the authority concerned, but nothing has been decided so far and the petitioner is facing the prospects of eviction proceedings under the aforesaid Act, which is not applicable within the State of Jharkhand.

Since the question has not yet been decided by Respondent No. 2- Sub-Divisional Magistrate, Sadar, Ranchi, I am of the view that let the question of applicability of the Act be decided as a primary issue before the S.D.M. proceeds to adjudicate the matter on merits.

Till the primary issue is decided, no proceeding for eviction shall continue before Respondent No. 2- Sub-Divisional Magistrate, Sadar, Ranchi.

With this observation, this writ petition stands finally disposed of.

s/ (Poonam Srivastav, J.)

Manish

Certified to be true Copy

[Signature]
14/6/11

Copying Officer

Witnessed in the presence of the Court