Neutral Citation No. (2026:JHHC:29241)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(Cr.) No. 240 of 2026

Seema Oraon, wife of Shri Sukhdeo Oraon, resident of Dungri, Tupudana, PO: Hatia, PS: Dhurwa, District: Ranchi, Jharkhand. ... Petitioner

Versus

1. The State of Jharkhand through Chief Secretary;
2. Deputy Commissioner, West Singhbhum;
3. Sub-Divisional Officer, Porahat, Chakradharpur, West Singhbhum;
4. Circle Officer, Chakradharpur, West Singhbhum;
5. Santoshini Purty;
6. Smt. Balma Purty;
7. Smt. Fulmani Bahanda;
8. Smt. Kairi Purty;
9. Sri Turi Samad;
10. Smt. Jaya Toppo …Respondents
11. Sri Bahadur Oraon … Performa Respondent

CORAM: **HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY**

For the Petitioner : Mr. Ankit Vishal, Advocate
For the State : Mr. A.R. Kisku, AC to GA-V
For the Resp. Nos. 5 to 10: Mr. Ranjit Kumar, Advocate;
Mr. Abhijeet Kumar Singh, Advocate

05/29.09.2026

Heard Mr. Ankit Vishal, learned counsel for the petitioner; learned AC to GA-V and Mr. Ranjit Kumar, learned counsel appearing for the private respondents.

In this writ application, the petitioner has prayed for quashing of the order dated 16.09.2025 passed by the Sub Divisional Officer, Porahat, Chakradharpur in Case No. 43 of 2021, whereby and whereunder, the application preferred by the respondent nos. 5 to 10 under section 147 of the Cr.P.C. has been disposed of with a direction to the Circle Officer, Chakradharpur to remove the unauthorized occupation from the 10 ft. road situated in Mouza: Jugibera, P.S. No.77, Khata No. 39, Plot No. 191 within a period of one month. The petitioner has further prayed for quashing of the order as contained in Memo No. 111 dated 02.04.2026 passed by the Sub Divisional Officer, Porahat, Chakradharpur, by which the Circle Officer, Chakradharpur and the Administrator, Nagar Parishad, Chakradharpur have been appointed as the Magistrate to ensure the compliance of the order dated 16.09.2025 by removing the petitioner from the land in question on 17.04.2026.

Submission has been advanced by the learned counsel for the

petitioner that though the proceeding was initiated at the behest of the respondent nos. 5 to 10 but the impugned order has been passed on 16.09.2025 without hearing the petitioner who was a necessary party to the proceeding. It has been submitted that merely on account of the fact that the father of the petitioner had appeared before the Sub Divisional Officer, Porahat, Chakradharpur and has stated that he does not have any concern with respect to the dispute in question but the letter of the Circle Officer, Chakradharpur dated 09.01.2026 clearly reveals that Plot No. 191, situated in Khata No. 39 having 1.85 acres of land is in the name of the petitioner as per the register but she has not been made a party in the 147 Cr.P.C. proceedings. Learned counsel submits that so far as the land in question is concerned, the same was individually purchased by the petitioner which makes it all the more necessary that the petitioner should have been made a party in the said proceedings.

Mr. Ranjit Kumar, learned counsel appearing on behalf of the respondent nos. 5 to 10 has referred to the impugned order dated 16.09.2025 while submitting that the father of the writ petitioner did not have any objection with respect to the removal of the encroachment of the 10 ft. road for the ingress and egress of the persons of the locality. It has further been submitted that the respondent nos. 5 to 10 had purchased a plot of land from the father of the petitioner and the father of the petitioner had also stated that he has left his land 11 ft. wide for the purposes of the ingress and egress. It has therefore been submitted that on consideration of the entire aspects of the case the 147 Cr.P.C. proceeding initiated by the respondent nos. 5 to 10 was rightly allowed by the Sub Divisional Officer, Porahat, Chakradharpur vide order dated 16.09.2025.

The factual aspects of the case reveal that the respondent nos. 5 to 10 had filed an application under section 147 Cr.P.C. against the respondent no.11 for removal of fencing from plot no. 207, khata no.39, village: Jugibera which is used by the respondent nos. 5 to 10 as the common road connecting the main road.

It is the case of the petitioner that she had purchased a plot measuring 1.85 acres, pertaining to Mouza: Jugibera, Thana no.77, Khata no.39. Plot no.191 from Meghnath Mandal vide registered sale-deed no. 532/1999 and after executing the sale-deed she had come in possession of the said land. The mutation application preferred by the petitioner was also allowed and the land was mutated in the name of the petitioner and correction slip dated

20.9.2024 was issued by the Circle Officer, Chakradharpur, consequent to which, the name of the petitioner was entered in the Register-II.

It appears that though the proceeding under section 147 Cr.P.C. was initiated for plot no.207 but in the operative portion of the impugned order dated 16.09.2025, one plot no. 191 has been mentioned and the removal of the encroachment is concerned with the said plot number. The affidavit filed by the Circle Officer clarifies the fact that in fact the proceeding was only initiated for plot no. 191. It has further been clarified that though the proceeding was essentially instituted with respect to the plot no. 207 but subsequently after inquiry it came to light that the encroachment was made in plot no. 191 and therefore, the subject matter before the Sub Divisional Officer, Porahat, Chakradharpur was confined to plot no. 191 only. Admittedly, the petitioner was not made a party to the 147 Cr.P.C. proceedings and after the termination of the said proceedings vide order dated 16.09.2025 by the Sub Divisional Officer, Porahat, Chakradharpur, a letter was issued by the Circle Officer, Chakradharpur, addressed to the Sub Divisional Officer, Porahat, Chadradharpur dated 09.01.2026 in which mention has been made that though the name of the petitioner figures in the Register but she has not been made a party in the said proceedings. A perusal of the impugned order dated 16.09.2025 reveals that the petitioner was never made a party to the proceedings and merely on account of the father of the petitioner having been made a party, the same cannot extinguish the right of the petitioner to be heard. More so, on account of the fact that the disputed lands had been purchased by the petitioner vide a registered sale-deed as stated by her. Without going into the merits of case of the petitioner with respect to the viability of the registered sale-deed vis-à-vis the road which was said to have been encroached upon and since the petitioner has not been given an opportunity of hearing and the same being a blatant violation of the principles of natural justice, the impugned order dated 16.09.2025, passed by the Sub Divisional Officer, Porahat, Chakradharpur in Case No. 43 of 2021 is hereby quashed and set aside and the matter is remanded back to the Sub Divisional Officer, Porahat, Chakradharpur to pass a fresh order in accordance with law after giving an opportunity of hearing to the petitioner. Consequent to the quashment of the order dated 16.09.2025, the subsequent order dated 02.04.2026 appointing the officers for ensuring compliance of the order dated 16.09.2025 is also hereby quashed and set aside. The exercise, indicated above, shall be concluded by the Sub Divisional Officer, Porahat, Chakradharpur,

within a period of eight weeks, from the date of receipt/production of a copy of this order.

This writ application stands disposed of.

(RONGON MUKHOPADHYAY, J.)

29.09.2026
S.B. Uploaded on 01.10.2026