IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 7775 of 2026

Ramswarup Sahu, S/o Late Dhayan Sahu, R/o Village-Chatwal, P.O. & P.S.-Chanho, District-Ranchi

..... Petitioner

-Versus-

1. The State of Jharkhand, through its Secretary, Land and Revenue Department, Ranchi
2. The Deputy Commissioner, Ranchi
3. The Sub-Divisional Officer, Ranchi
4. The Circle Officer, Chanho, Ranchi
5. Vijay Pandey, S/o Suryadeo Pandey
6. Anita Devi, W/o Vijay Pandey
7. Shubham Pandey, S/o Vijay Pandey

Respondent Nos. 5 to 7 are R/o Village-Chatwal, P.O. & P.S.-Chanho, District-Ranchi

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Rama Kant Tiwari, Advocate
For Respondents : Mr. Chandan Tiwari, AC to GA-I

Order No.02 **Date: 06.10.2026**

1. The writ petition has been filed for issuance of direction upon the respondent-authorities to take appropriate action against the private respondents i.e., respondent Nos. 5 to 7 by initiating a proceeding under Bihar (now Jharkhand) Public Land Encroachment Act, 1956 [hereinafter referred to as 'the Act, 1956'].

2. Learned counsel for the petitioner submits that the respondent Nos. 5 to 7 have made construction over the public/government land appertaining to Khata No. 62, Plot No. 247, Thana No. 27, Mouza-Pakariya, measuring an area of 50 decimals out of 9.10 acres. The petitioner is in lawful possession of the adjacent land i.e., Plot No. 340, Khata No. 115, measuring an area of 20 decimals, which is

a raiyati land. The said respondents by encroaching the public/government land are also creating public nuisance, as a result of which peace and tranquillity in the area are also being disturbed. The petitioner made the complaints regarding the said encroachment to different authorities, pursuant to which certain notices were also issued by the respondent No. 4 to the private respondents, few copies of which have been annexed as Annexure-6 series to the writ petition. Despite issuance of the notices, no effective step has been taken by the respondent authorities for removal of the said encroachment. Under the said compelling circumstance, the petitioner has preferred the present writ petition.

3. Mr. Chandan Tiwari, learned A.C. to G.A.-I appearing on behalf of the respondent-State, submits that the aforesaid contention of the petitioner is required to be factually examined by the competent authority and if it is found that the land on which the private respondents have made construction, is a government/public land, appropriate action will be taken in accordance with law.
4. Heard learned counsel for the petitioner as well as respondent-State.
5. Section 3 of the Bihar (now Jharkhand) Public Land Encroachment Act, 1956 provides that if it appears to the Collector from an application made by any person or upon information received from any sources that any person has

made or is responsible for the continuance of any encroachment upon any public land, the Collector may cause to be served upon such person a notice in the prescribed form requiring him to appear on a date which shall not be less than two weeks from the date of service of notice to show cause:--

(a) Why he should not be restrained from making such encroachment by issue of injunctions; or

(b) Why such encroachment should not be removed.

6. Section 4 of the Act, 1956 provides for filing of a defence by the person upon whom the notice has been served under Section 3 of the Act, 1956.
7. Section 5 of the Act, 1956 provides that the Collector will conduct a hearing so as to find out whether the land in question is a government/public land and then to pass an appropriate order under Section 6 of the Act, 1956.
8. On perusal of the writ petition, it appears that though few notices were issued by the respondent No. 4 to different persons including some of the private respondents, however, no proceeding was drawn under the provisions of the Act, 1956.
9. Under the said circumstance, the petitioner is given liberty to make an application under Section 3 of the Act, 1956 before the respondent No. 4, who is the "Collector" under the said Act. On receipt of the said application, the respondent No. 4 shall take the required steps as

mandated under the aforesaid provisions of the Act, 1956 and to pass an appropriate order in accordance with law after providing due opportunity of hearing to the persons including the private respondents against whom the petitioner has alleged that they have encroached the public/government land.

10. The said proceeding shall be concluded by the respondent No. 4 within four months from the date of filing of application by the petitioner.

11. It is made clear that this Court has not gone into the merit of the petitioner's claim that the private respondents have encroached the public/government land, which is left to be decided by the respondent No. 4 in accordance with law.

12. The writ petition is, accordingly, disposed of with the aforesaid liberty and observation.

(Rajesh Shankar, J.)

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