IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 7555 of 2026

Sachida Nand Ray, S/o Late Ram Lakhan Ray, R/o Police Line, Hirapur, P.O. & P.S.-Dhanbad, District-Dhanbad

..... Petitioner

-Versus-

1. The Dhanbad Municipal Commissioner, Dhanbad
2. The Town Planner, Dhanbad Municipal Corporation, Dhanbad

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Lukesh Kumar, Advocate
Mr. Nawin Kumar, Advocate
Md. Faiyaj Alam, Advocate
For Respondents : Mr. Mahavir Pd. Sinha, Advocate

Order No.04 **Date: 07.10.2026**

1. The present writ petition has been filed for quashing the order as contained in letter No. 1922 dated 22.07.2026 passed by the respondent No. 1 in B.P. Case No. 01/2025 (Annexure-1 to the writ petition), whereby the petitioner has been directed to remove the construction made over a piece of land situated at Sugiyadih Main Road, 8 Lane Road, Dhanbad and has also been imposed a penalty of Rs.2,00,000/-.

2. Learned counsel for the petitioner, at the outset, submits that the petitioner is not the owner of the land over which the said construction has been made. Pursuant to the inspection conducted by the municipal authorities, the petitioner explained the aforesaid position and categorically stated that he is the owner of a nearby plot and has no concern whatsoever with the alleged unauthorized construction being made over the land in

question. He also told the municipal authorities that the said plot is owned by one Urmila Devi, a close relative of the petitioner, who has purchased the said land from the erstwhile owner Smt. Pushpa Devi and Amrit Mallah. Pursuant to the notice issued by the municipal authorities, the petitioner appeared through his advocate before the respondent No. 1, however, due to certain difficulties, he sought some time to file his response. Despite that, the respondent No. 1 without waiting for the response to be filed by the petitioner, passed the impugned order dated 22.07.2026. Under the said circumstance, the petitioner has preferred the present writ petition.

3. A counter affidavit has been filed on behalf of the respondents. It has been stated in the said counter affidavit that during inspection of the concerned land conducted by the Junior Engineer, Dhanbad Municipal Corporation, Dhanbad, the petitioner was present at the site and orally admitted that the construction was being made without any sanction building plan. Thereafter, the petitioner was called upon to produce the relevant documents in respect of the construction made over the same, however, he did not produce the same.

4. It has further been stated in the counter affidavit that subsequently, the Junior Engineer again inspected the site and submitted his report dated 12.08.2025 recording therein that the building owner orally admitted at the site

that the building plan was not sanctioned. Pursuant to the notice issued to the petitioner, he appeared physically once and on few occasions through his advocate, but only sought time.

5. It has also been stated in the counter affidavit that the petitioner's stand appears to be quite inconsistent. On the one hand, the petitioner has failed to produce the documents relating to the construction being made over the land in question and on the other hand, he says that he has no concern with the said construction. According to the respondents, if the petitioner was actually unconnected with the said construction, there was occasion for him to appear in the proceeding and to seek time to file response pursuant to the notice issued for the alleged unauthorized construction.
6. Heard learned counsel for the parties and perused the materials available on record.
7. Undoubtedly, the stand taken by the petitioner appears to be inconsistent. If the petitioner is not concerned with the unauthorized construction being made over the land in question, he has to firmly take such a stand or if he is concerned with the land as well as the construction made over the same, he has to produce the documents relating to the same before the municipal authorities.
8. However, keeping in view that the impugned order as contained in letter No. 1922 dated 22.07.2026 is an

ex-parte order without there being the response of the petitioner on record, the said order is quashed and set aside. The matter is remanded to the respondent No. 1 to pass a fresh order on the present issue.

9. The petitioner is directed to file his response before the respondent No. 1 by 27.10.2026 without fail. On receipt of the said response, the respondent No. 1 shall pass a fresh order after providing an opportunity of hearing to the petitioner/his representative. The petitioner is directed to co-operate in the said proceeding.

10. The respondent No. 1 is at liberty to get an enquiry conducted if any confusion with respect to the ownership of the land in question and the construction made over the same remains even after filing of reply by the petitioner so as to reach a logical conclusion. The said exercise shall be concluded by the respondent No. 1 within four months from the date of this order.

11. The writ petition is, accordingly, disposed of with the aforesaid direction.

(Rajesh Shankar, J.)

07.10.2026
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