IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 3302 of 2015

Takiur Rahman, son of Md. Ziaur Rahman, resident of 46, Doctor Fateullah Lane, P.O. and P.S. Lower Bazar, District-Ranchi .....Petitioner

-Versus-

1. The State of Jharkhand
2. The Secretary, Urban Development Department, Govt. of Jharkhand, having its office at Project Building, Dhurwa, P.O. and P.S. Dhurwa, District-Ranchi
3. Chief Executive Officer, Ranchi Municipal Corporation, Ranchi having its office at Kutchery Road, P.O. and P.S. Lalpur, District- Ranchi
4. Commissioner, South Chottanagpur Division, Ranchi, having its office at Ranchi, P.O. Ranchi G.P.O, P.S. Sardar, District-Ranchi

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :Mr. Shresth Gautam, Advocate
For the R.M.C. : Mr. Parambir Singh Bajaj, Advocate
For the Intervener : Mr. P.P.N. Roy, Sr. Advocate

14/ 28.09.2026: Heard Mr. Shresth Gautam, learned counsel for the petitioner, Mr. Parambir Singh Bajaj, learned counsel for the Ranchi Municipal Corporation and Mr. P.P.N. Roy, learned senior counsel for the intervenor.

2. This petition has been filed under Article 226 of the Constitution of India for quashing of a letter dated 25.03.2015 issued under the seal and signature of Commissioner, South Chottanagpur Division, Ranchi whereby the Chief Executive Officer, Ranchi Municipal Corporation, Ranchi has been ordered to demolish one storey out of the total three storey building immediately alleging the sanctioned plan is not as per the approach road so provided by the petitioner. Further prayer has been made for quashing of a letter dated 01.12.2014 issued by the office of Ranchi Municipal Corporation, Ranchi whereby the petitioner was directed to stop the construction work and inform the authority concerned as because enquiry of a complaint is pending before the Commissioner, Chottanagpur Division, Ranchi.

3. Mr. Shresth Gautam, learned counsel for the petitioner submits that the petitioner is a land owner of a land situated at village-Chandway in Kanke,

District-Ranchi admeasuring about twenty five decimals. He next submits that Zaikur Rahman as an attorney of Badrun Nisha executed three sale deeds for the sale of the aforementioned land and the land was sold to three persons namely Saleha Naz, Md. Amanullah and Taikur Rahman (petitioner) vide registered sale deeds dated 09.02.2001 contained in annexure-3 series. He further submits that the land was divided among three persons. He submits that the entire land has a common passage admeasuring 12”4 feet and the said common passage falls within the share of the present petitioner. He next submits that the said submission can also be corroborated by a deed of declaration dated 18.12.2002 contained in Annexure-4. He submits that the petitioner has applied for sanction of the map and submitted proposed plan and pursuant to that sanction was granted on 16.01.2013 by the competent authority after proper inspection and in compliance of the rules and regulations by way of annexure-5. He submits that the petitioner initiated the work of development in accordance with the sanctioned plan and has raised a three storey residential building on the said two portions of land.

4. Mr. Gautam, learned counsel submits that Md. Amanullah being aggrieved by the height of the building filed various complaints before Vigilance Bureau, Ranchi, Chief Minister Public Complaint Cell etc. agitating that the said sanctioned plan is not in accordance with law. He submits that thereafter one of the officer of Ranchi Municipal Corporation has visited and directed the petitioner to stop the work. He next submits that petitioner has filed an application dated 21.05.2015 under Right to Information Act, 2005 before the Senior Superintending Officer of Police, Ranchi, Jharkhand seeking the copy of order as earlier police has come to the spot and directed the petitioner to stop the construction. Thereafter the petitioner has filed application before the Ranchi Municipal Corporation to know on what basis the said order has been

passed and thereafter, he has received the internal order contained in annexure-11 dated 25.03.2015. He submits that all the exercise have been done behind the petitioner and the petitioner has not been noticed, the petitioner has not been heard however, after the stay order the petitioner has not proceeded and filed the present writ petition. He draws the attention of the Court to the Jharkhand Municipal Act, 2011 and refers to section 428 and submits that construction of building in contravention of building regulation is provided therein and demolition can be done subject to following Sections 431 and 432. By way of referring section 431 of the Act, 2011 he submits that the procedure is provided therein for periodic inspection of construction activity and section 432 of the Act, 2011 provides that no action can be taken without affording opportunity. He submits that there are statutory provisions inspite of that the petitioner has not been heard and all these exercise have been done without hearing the petitioner and in view of that appropriate order may kindly be passed. On these grounds, he submits that the impugned direction may kindly be issued.

5. Mr. Parambir Singh Bajaj, learned counsel for the Ranchi Municipal Corporation submits that Annexure-11 has not been communicated to the petitioner that is internal communication of the Department however, there is no difficulty to the Ranchi Municipal Corporation to hear all the aggrieved persons and pass the appropriate order.

6. Mr. P.P.N. Roy, learned senior counsel has filed the petition for intervenor on behalf of the person who has filed the complaint before the Lokayukta. He submits that intervenor may kindly be heard by the Ranchi Municipal Corporation on the issue in question as he is the person who has filed complaint before the learned Lokayukta.

7. In view of above submissions of the learned counsel for the parties

and looking into contents of two letters which are under challenge it is crystal clear that the petitioner has not been heard. It has been fairly pointed out that the petitioner has stopped the work pursuant to the aforesaid communication made to the petitioner. All these exercise have been done violating the provisions made under sections 428, 431 and 432 of the Act, 2011. The aforesaid aspect has been considered by the Hon'ble Supreme Court in the case of ***"DIRECTIONS IN THE MATTER OF DEMOLITION OF STRUCTURES, IN RE"*** reported in ***(2025) 5 SCC 1*** and several directions have been issued in para 94 of the said judgment. Paras 94.1, 94.4 and 94.5 of the said judgment is quoted hereinbelow:-

> ***"94.1.*** *No demolition should be carried out without a prior show-cause notice returnable either in accordance with the time provided by the local municipal laws or within 15 days' time from the date of service of such notice, whichever is later.*
> ***94.4.*** *To prevent any allegation of backdating, we direct that as soon as the show-cause notice is duly served, intimation thereof shall be sent to the office of Collector/District Magistrate of the district digitally by email and an auto generated reply acknowledging receipt of the mail should also be issued from the office of the Collector/District Magistrate. The Collector/DM shall designate a Nodal Officer and also assign an email address and communicate the same to all the municipal and other authorities in charge of building regulations and demolition within one month from today.*
> ***94.5.*** *The notice shall contain the details regarding:*
> *(a) The nature of the unauthorised construction.*
> *(b) The details of the specific violation and the grounds of demolition.*
> *(c) A list of document that the notice is required to furnish along with his reply.*
> *(c) A list of documents that the notice is required to furnish along with his reply."*

8. In para 94.1 of the said judgment there is clear direction that no demolition should be carried out without a prior show cause returnable either in accordance with the time provided by the local municipal laws or within 15 days from the date of service of such notice, which ever is later. Para 94.5 of the said judgment clearly stipulates what are the ingredients for demolition.

9. In view of the above facts, reasons and analysis the impugned orders dated 25.03.2015 and a letter dated 01.12.2014 are quashed and set

aside

10. In view of above, this writ petition is being disposed of directing the Ranchi Municipal Corporation, if so advised, may proceed against the petitioner in accordance with the procedures prescribed under the Jharkhand Municipal Act, 2011 and in the light of the directions in the matter of demolition of structures issued by the Hon'ble Supreme Court in the case of ***DIRECTIONS IN THE MATTER OF DEMOLITION OF STRUCTURES, IN RE" (supra)***.

11. It is open to the petitioner to demonstrate before the Ranchi Municipal Corporation as to whether any demolition has been made or not and that can be compounded in the light of provisions of Jharkhand Municipal Corporation Act, 2011.

12. The intervenor is also put at liberty to approach the Ranchi Municipal Corporation. It goes without saying that if the intervenor approaches the Ranchi Municipal Corporation he shall also be heard by Ranchi Municipal Corporation.

13. With the above observations and directions, this writ petition is allowed and disposed of. Pending I.A, if any, stands disposed of.

Dt.28.09.2026 **(Sanjay Kumar Dwivedi, J.)**

Satyarthi/- ***A.F.R***