2026:JHHC:28160

IN THE HIGH COURT OF JHARKHAND AT RANCHI

WP(C) No.6620 of 2026

Green Vatika Constructions Pvt. Ltd. through its Director Ajay Agarwal, son of Ramesh Agarwal, R/o Flat No. 303, 3rd Floor, Arunoday, PO and PS Adityapur, District Saraikela-Kharsawan office at Green Vatika Pvt. Ltd., 5th Floor, Umesh Tower, AIADA Bhawan Adityapur, PO Adityapur SO, PS Adityapur, District Seraikella-Kharsawan, Jharkhand **… Petitioner(s).**

Versus

1.The State of Jharkhand through Secretary, Ministry of Urban Development and Housing, office at 4th Floor, Project Bhawan Building, PO and PS Dhurwa, District-Ranchi

2.Jharkhand Real Estate Regulatory Authority, through its Secretary, office at 7th Floor, Ranchi Municipal Corporation Building, PO Kutchery, PS Kotwali, District Ranchi, Jharkhand

3.District Sub-Registrar, Seraikella-Kharsawan, office at Sub Registry Office, Near District Collectorate, PO Seraikella S.O., PS Seraikella, District Seraikella-Kharsawan

4.Adityapur Municipal Corporation through its Commissioner, office at Kalpanapuri, near S-Type Chowk, PO and PS Adityapur, District Seraikella-Kharsawan

5.Apurva Sahay, S/o Maheshwar Sahay, R/o Flat No. 304, Block Gold, Earth Enclave, Transport Colony, Adityapur-2, PO and PS Adityapur, District Seraikella Kharsawan

… Respondent(s).

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Indrajit Sinha, Advocate
Mr. Shailesh Poddar, Advocate
Ms. Xenia Dhar, Advocate

For the Resp. No.2 : Mr. Bibhash Sinha, Advocate
Mr. Rishav Raj, Advocate

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04 /17.09.2026: Heard the learned counsel representing the petitioner and the learned counsel representing the respondents.

2. The petitioner is aggrieved by Letter No. IV/02/2025/180 dated 10.03.2026 whereby the petitioner has been restrained for making any construction.

3. Learned counsel appearing on behalf of the petitioner

submits that the aforesaid notice is without jurisdiction, vague and does not specify which construction has to be stopped and even that too, in which project of the petitioner. He submits that the order is blanket in nature without referring to any particular project. He submits that this blanket order is without application of mind and cannot be passed by the respondents.

Learned counsel for the petitioner further submits that the same is based on a complaint made by one Apurva Sahay in respect of one of the project of this petitioner which did not require any registration with Jharkhand Real Estate Regulatory Authority. It is his contention that the said project where Apurva Sahay is one of the occupants is already complete and has been handed over to all the parties. As per him, any deficiency in service in the said project in which the complainant is residing, cannot lead to stalling of other projects.

4. Learned counsel appearing for the respondent-Jharkhand Real Estate Regulatory Authority submits that though the impugned order does not refer to any specific project but the same is in respect of Green Heights Project of the petitioner. He submits that the Green Heights Project is registered under the Jharkhand Real Estate Regulatory Authority having Registration No. JHARERA/Project/1226/2020 with the building permit no. 264 dated 14.02.2015. By referring to Annexure-A to the counter-affidavit, he submits that the registration is valid for three years commencing from 14.02.2015 and ending on 14.02.2018 unless extended by the Authorities in accordance with Section-6 read with the Rules and Regulations. He further submits that the building permit has also expired after three years. It is his contention that without renewing the aforesaid permit, the petitioner is continuing with construction activities, and trying to transfer the units to the purchasers, which is illegal. On this background, the Jharkhand Real Estate Regulatory Authority has stopped the petitioner from making any construction and stopped

transfer of the same in compliance of the Section 17 of the Real Estate (Regulation and Development) Act. He lastly submits that any order which affects the petitioner is appealable in terms of section 44 of the Real Estate (Regulation and Development) Act.

5. After hearing the parties and after going through the counter-affidavit, I find that the registration of the petitioner has already lapsed. There is a provision for renewal under the Act itself. The petitioner has not applied for renewal. Further admittedly the building permit has also lapsed which needs to be renewed also.

6. Thus, I direct the petitioner to make necessary application for renewal, if not already applied, within a reasonable time. Once these applications are filed with all particular and details, it is expected that the Jharkhand Real Estate Regulatory Authority will take a decision within a period of four weeks from date of receipt of the application of the petitioner which would be complete in all sense and thereafter proceed. Till the Jharkhand Real Estate Regulatory Authority takes a decision and communicates the same to the petitioner, the petitioner may continue with the constructions but will not create any right in favour of any purchaser either by way of sale deed or by way of an agreement.

7. Though the petitioner and respondents submits that this order is in respect of Green Heights Project but if there is similar situation in respect of other projects where the registration and permit has lapsed it is open petitioner to approach the Jharkhand Real Estate Regulatory Authority for renewal.

8. Though in a Certiorari the impugned order is only tested on its face value but in this case it is true that the impugned order is vague and does not reflect the project in respect of which the respondents have passed this order. Further the reasons have also not been mentioned. These reasons are supplemented in the counter-affidavit. Though in normal circumstances reasons cannot be supplemented in counter affidavit, but in this case if only on

that ground the impugned order is interfered with it will amount to reviving an illegality i.e. allowing the petitioner to sell the flats without having any registration under RERA which cannot be.

9. Setting-aside of an order which is irregular or illegal, if it amounts to reviving another illegality, the Court should refrain from doing so.

The Hon'ble Supreme Court in the case of "***Al-Can Export (P) Ltd. v. Prestige H.M. Polycontainers Ltd."*** reported in **(2024) 9 SCC 94** at paragraph 99 has held as under:-

> ***99.*** *It is well-settled principle in law that issuance of a writ or quashing/setting aside of an order if revives another pernicious or wrong or illegal order then in that eventuality the writ court should not interfere in the matter and should refuse to exercise its discretionary power conferred upon it under Article 226 of the Constitution. The writ court should not quash the order if it revives a wrong or illegal order. (Vide : Gadde Venkateswara Rao v. State of A.P. [Gadde Venkateswara Rao v. State of A.P., 1965 SCC OnLine SC 25 : AIR 1966 SC 828] ; Chintamani Saran Nath Shahdeo v. State of Bihar [Chintamani Saran Nath Shahdeo v. State of Bihar, (1999) 8 SCC 16 : AIR 1999 SC 3609] ; M.C. Mehta v. Union of India [M.C. Mehta v. Union of India, (1999) 6 SCC 237 : AIR 1999 SC 2583] ; Mallikarjuna Mudhagal Nagappa v. State of Karnataka [Mallikarjuna Mudhagal Nagappa v. State of Karnataka, (2000) 7 SCC 238 : 5 SCEC 82 : AIR 2000 SC 2976] ; Chandra Singh v. State of Rajasthan [Chandra Singh v. State of Rajasthan, (2003) 6 SCC 545 : 2003 SCC (L&S) 951 : AIR 2003 SC 2889] and Raj Kumar Soni v. State of U.P. [Raj Kumar Soni v. State of U.P., (2007) 10 SCC 635].*

10. In view of the direction given above and the judgment cited above, this writ petition is **disposed of.**

(ANANDA SEN, J.)

17.09.2026
Tanuj/CP-2

AFR

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