IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.4044 of 2020
With
I.A. No.10196 of 2026

Lal Rajesh Nath Shahdeo, son of Late Lal Kamleshwar Nath Shahdeo, resident of Amar Shaheed Thakur Vishwanath Shahdeo Niwas, Jagarnnathpur, P.O. & P.S. Dhurwa, District Ranchi, Jharkhand.

..... Petitioner.

-Versus-

1. The State of Jharkhand
2. The Principal Secretary, Revenue, Government of Jharkhand, Project Building, Dhurwa, Ranchi, Jharkhand.
3. The Deputy Commissioner, Ranchi.
4. The Circle Officer, Nagri, Piska Nagri Road, District Ranchi.

..... Respondents.

CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Ajay Kumar Shah, Advocate
For the State : Mr. Manoj Kumar, GA-III

Order No.15 **Date: 29.09.2026**

1. The present writ petition was initially filed, challenging the notice dated 16th July, 2020 (Annexure-1) issued by the Circle Officer, Nagri- respondent no.4 under Section 3 of the Bihar (now Jharkhand) Public Land Encroachment Act, 1956 (hereinafter to be referred as 'the Act, 1956') in Land Encroachment Case No.01 of 2020-21, calling upon the petitioner to remove the house and boundary wall constructed over Gairmajurwa Khata no.151, plot no.13, Mouza Tikratoli to the extent of 08 decimals.

2. The writ petition was initially taken up on 14th September, 2021 and on the said date, the respondent no.4 was directed to file a short counter affidavit, stating, *inter alia*, as to whether the final order was passed in Land Encroachment Case No.01 of 2020-21. If so, the copy of the order was to be annexed with the counter affidavit.

3. Subsequently, a counter affidavit was filed on behalf of the respondents on 29th September, 2021, annexing a copy of the order dated 18th November, 2020 passed in the said land encroachment case, directing the petitioner to remove the structure from the said land as the same was Gairmajurwa-Government land.

4. The writ petition remained pending thereafter. Now an interlocutory application being I.A. No.10196 of 2026 has been filed on behalf of the petitioner, seeking amendment in the writ petition, primarily seeking challenge to the order dated 18th November, 2020.

5. Heard learned counsel for the parties and perused the materials available on record.

6. It appears that the order dated 18th November, 2020 was passed by the respondent no.4 prior to the filing of the writ petition. The petitioner's contention made in the aforesaid interlocutory application that the said order dated 18th November, 2020 was never served upon the petitioner can be taken note of, only if the writ petition is entertained by this Court on merit. However, keeping in view that the petitioner has the efficacious/statutory remedy of preferring appeal under Section 11 of the Act, 1956 against the order dated 18th November, 2020 passed by the respondent no.4, this Court is not inclined to entertain this writ petition on merit at this stage.

7. The petitioner is, however, at liberty to challenge the order dated 18th November, 2020 passed by the respondent no.4 by

preferring an appeal under Section 11 of the Act, 1956. If the said appeal is preferred by the petitioner within four weeks from today along with an application seeking condonation of delay, the appellate authority shall consider the same liberally, keeping in view that the present writ petition remained pending before this Court for a considerable period.

8. The writ petition is, accordingly, disposed of with the aforesaid liberty.

9. I.A. No.10196 of 2026 is also disposed of.

(Rajesh Shankar, J.)

29th September, 2026
Sanjay/
Uploaded on 30.09.2026