2026:JHHC:28630

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 7484 of 2026

Devraj Singh @ Deoraj Singh, son of Late Dineshwar Singh, residing at House No. 466, Rabodh, Near Durga Mandap, P.O. & P.S.- Rabodh, District- Hazaribagh

... ... Petitioner

Versus

1. The State of Jharkhand through the Deputy Commissioner, Ramgarh
2. The Land Reforms Deputy Collector, Ramgarh
3. The Circle Officer, Sadar, Ramgarh

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner : Mr. Parth Jalan, Advocate
For the Respondents : Mrs. Shalini Shahdeo, A.C. to S.C. (L&C)-I

Order No. 02 **Dated: 23.09.2026**

1. The present writ petition has been filed for quashing the entire proceedings initiated against the petitioner vide notice dated 31.07.2026 (Annexure-11 to the writ petition) issued by the Circle Officer, Ramgarh (the respondent no.3) under Section 3 of the Bihar (now Jharkhand) Public Land Encroachment Act, 1956 (in short, "the Act, 1956") with respect to alleged encroachment of the land appertaining to plot no. 165, Khata No. 292, Mouza- Ramgarh, P.S. No. 82, P.S. Ramgarh, District- Ramgarh measuring an area of 0.07 acre (hereinafter to be referred as the said land). The petitioner has also prayed for grant of ad-interim stay by restraining the respondents from proceeding further pursuant to notice dated 31.07.2026, till pendency of the present writ petition.

2. Learned counsel for the petitioner submits that the land

appertaining to several plots of Khata Nos. 292 and 286 measuring total area of 8.69 acres within the aforesaid mouza was originally recorded in the name of Ghanshyam Ganak as *Khewat*. Subsequently, the aforesaid land measuring an area of 8.69 acres was settled in favour of Kaushalya Devi vide 'Hukumnama' by the then landlord Guna Ganak, son of Ghanshyam Ganak. The said transaction was recognized by the State and the rent receipts were also issued in her favour.

3. It is further submitted that on 06.02.1974, one Sudha Devi purchased 8.35 acres out of 8.69 acres of the land from Kaushalya Devi through registered sale deed. Thereafter, mutation was done in the name of Sudha Devi and on payment of rent, rent receipts were also issued in her favour. On 28.10.2003, the petitioner purchased 0.07 acre of land appertaining to Khata No. 292, plot no. 165 by way of registered sale deed from Sudha Devi and mutation of the said land was done in the name of the petitioner vide order dated 10.11.2003 passed in Mutation Case No. 955 of 2003-04. In the year 2004-05, the petitioner constructed a G-4 multi-storied building after taking due permission from Ramgarh Cantonment Board, Ramgarh. Since then the petitioner has been regularly paying holding tax of the said property.

4. It is further submitted that in the year 2007, Misc. Case No. 22/2006-07 was initiated for cancelling mutation of the said land and the respondent no. 2, vide order dated 05.06.2007,

changed the nature of the said land as 'Gairmajarua Khas' in place of 'Raiyati'. Thereafter, a "suspicious jamabandi" case being Case No. 03/2012-13 was initiated against the vendor of the petitioner with respect to the land appertaining to Khata No. 292, plot no. 165 in which the respondent no. 3, vide order dated 19.02.2013, opined that no case of "suspicious jamabandi" was made out and the matter was forwarded to the respondent no. 2 for further action.

5. According to learned counsel for the petitioner, no order after the recommendation of the respondent no. 3, was passed by any higher authority. As such, the impugned notice dated 31.07.2026 issued to the petitioner under Section 3 of the Act, 1956 suffers from non-application of the mind and is wholly without jurisdiction. The petitioner has preferred the present writ petition under the said compelling circumstances.

6. Mrs. Shalini Shahdeo, learned A.C. to S.C. (L&C)-I, submits that even if the facts stated by the petitioner in the present writ petition are taken to be true, the petitioner can very well bring the same to the notice of the respondent no. 3 in the land encroachment proceeding as the said authority is the "Collector" under the provisions of the Act, 1956.

7. Having heard learned counsel for the parties and considering that the petitioner can respond to the notice dated 31.07.2026 issued to him under Section 3 of the Act, 1956 by filing an objection annexing the relevant documents, I see no reason

to entertain the present writ petition at this stage.

8. Accordingly, the petitioner is given liberty to bring the facts regarding the land in question stated in the writ petition by filing an objection before the respondent no. 3 in the pending public land encroachment proceeding. If the said objection is filed by the petitioner within two weeks from today, the respondent no. 3 shall entertain the same and on examining the relevant records as well as on providing due opportunity of hearing to the petitioner, shall pass appropriate order under the Act, 1956 within eight weeks thereafter.

9. Till the respondent no. 3 passes a final order in the land encroachment case, no action for removal of structure (if any) from the said land, shall be taken by the respondent no. 3.

10. The writ petition is accordingly disposed of.

(Rajesh Shankar, J.)

September 23, 2026
Ritesh/
Uploaded on 24.09.2026