IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 732 of 2026

Anjuman Committee, Nagar Untari, having its Office at Village: Checharia, P.O. & P.S.: Nagar Untari, District: Garhwa, represented through its Sadar, Tauhid Khan, Aged about 38 years, Son of Late Abdul Razak Khan, Resident of Village: Bishunpur, P.O. & P.S.: Nagar Untari, District: Garhwa.

... Petitioner

Versus

1. The State of Jharkhand
2. The Secretary, Department of Revenue, Registration and Land Reforms, having its Office at Project Bhawan, P.O. & P.S.: Dhurwa, District: Ranchi.
3. The Deputy Commissioner, Garhwa, P.O. & P.S.: Garhwa, District: Garhwa.
4. The Sub-Divisional Officer, Nagar Untari, At, P.O. & P.S.: Nagar Untari, District: Garhwa.
5. The Land Reforms Deputy Collector, Nagar Untari, At, P.O. & P.S.: Nagar Untari, District: Garhwa.
6. The Circle Officer, Nagar Untari, At, P.O. & P.S.: Nagar Untari, District: Garhwa.

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner: Mr Vishal Kumar Tiwari, Advocate
Mr Manjeet Kumar Chaudhary, Advocate
For the Respondents: Mr Piyush Chitresh, A.C. to A.G.

02/Dated: 05.05.2026

1. Heard Mr Vishal Kumar Tiwari who appears with Mr Manjeet Kumar Chaudhary for the petitioner, and Mr Piyush Chitresh, learned A.C. to A.G. for the respondents.

2. The petitioner, by instituting this petition in the public interest, seeks direction to the respondents to act against what the petitioner describes as encroachers on government land.

3. The allegedly encroached land is describe in prayer clause 24(i), which reads as follows:-

> *"For directing the respondents, for removing the encroachment of the Govt. Land, situated in Village: Purna Nagar, P.O. & P.S.: Nagar Untari, being Old Khata No. 73 No. 73, Plot No. 110, Area: 15.50 acres, which is shown as Gair Majarua Malik Land and in the recent Survey Khatiyan it has been shown as "Jungle-Jhari"."*

4. The State of Jharkhand has enacted the Jharkhand Public Land Encroachment Act, 2000 (said Act). In terms of Section 3 of the said Act, if it appears to the Collector from an application made by any person or upon information received from any sources that any person has made or is responsible for the continuance of any encroachment upon any public land, the Collector may cause to be served upon such person a notice in the prescribed form requiring him to appear on the date which shall not be less than two weeks from the service of notice to show cause as to why he should not be restrained from making such an encroachment by issue of injunction; or why such encroachment should not be removed. Section 3 of the said Act vests several powers in the Collector for dealing with the issue of encroachments on public land.

5. The said Act provides a detailed procedure for dealing with such encroachments or complaints of encroachment. The procedure *inter alia* includes notices to the alleged encroachers, the defences that such encroachers may raise, a hearing to the alleged

encroachers and the passing of a final order by the Collector. The said Act also defines terms such as “encroachment” and “public land”.

6. Since there is a substantive law in the State to deal with the issue of encroachments on public lands, we believe that the petitioner could be given the liberty to file a complaint under the said Act, pointing out to the Collector the details of the alleged encroachment, so that, the Collector, can dispose of such complaint in accordance with law and consistent with the principles of natural justice.

7. The learned counsel for the petitioner states that the petitioner will file a detailed complaint before the Collector/Circle officer within 15 days from today. The particulars available with the petitioner will be duly disclosed, along with photographs and other necessary details. We are informed that the concerned Circle Officer has been designated to act as the Collector under the said Act.

8. Upon receipt of such a complaint, the Collector/Circle Officer must consider and dispose of such a complaint in accordance with law and on its own merits, as expeditiously as possible and preferably within six months from the date of its receipt.

9. The Collector/Circle Officer must follow the provisions of the said Act, which would include giving notices to the alleged encroachers, to ensure due compliance with the principles of natural justice and fair play.

10. In the peculiar facts of this case and considering the material placed on record by the petitioner along with the petition, we direct that the Collector/Circle Officer must also hear the petitioner/their representative when disposing of the complaint.

11. At this stage, we have not examined the veracity of the allegations in the petition because we believe that these are matters which must first be looked into by the Collector/Circle Officer, acting as a statutory authority under the said Act. Therefore, all contentions of all parties are left explicitly open.

12. This petition is disposed of in the above terms, without any order for costs. All concerned, including the Collector/Circle Officer, exercising powers under the said Act, must act based on an authenticated copy of this order.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

May 05, 2026

N.A.F.R.

Manoj/ Sharda/Cp.2

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