

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 5672 of 2025

Arvind Kumar Singh, aged about 39 years, son of TapeswarSingh, resident of Holding No.44, Gumo Rajput Mohalla, Word No. 19, P.O. Gumo, P.S. JhumriTelaya, District Koderma (Jharkhand).

... Petitioner

Versus

1. The State of Jharkhand through its Chief Secretary, having his office at project Bhawan, Dhurwa, P.O. Dhurwa, P.S. Dhurwa, District Ranchi.
2. Secretary, Ministry of Forest, Environment and Climate Change Department, Govt. of Jharkhand, having his office at Nepal house, Doranda, P.O. & P.S. Doranda, District Ranchi.
3. Secretary, Revenue, Land Reforms Department, Government of Jharkhand, having his office at project Bhawan, Dhurwa, P.O. Dhurwa, P.S. Jagannathpur, District Ranchi.
4. Deputy Commissioner, having his office at Koderma, P.O., P.S. and District Koderma.
5. Additional Collector, having his office at Koderma, P.O., P.S. and District Koderma.
6. Circle Officer, Chandwara Block, P.O. and P.S. Chandwara, District Koderma.

.... ... Respondents

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

For the Petitioner: Mr. Arjun Narayan Deo, Advocate
Ms. Karishma Kumari, Advocate
For the State: Mr. Piyush Chitresh, A.C. to A.G.

07/Dated: 07.05.2026

1. Heard Mr. Arjun Narayan Deo, learned counsel who appears along with Ms. Karishma Kumari, learned counsel for the petitioner and Mr. Piyush Chitresh, learned A.C. to A.G. who appears on behalf of the Respondents-State.
2. The petitioner, by instituting this petition in public interest, seeks a direction to the respondents to act against what the petitioner describes as encroachers on public land which appertains to Khata No. 10 (altogether 31 plots) totally ad measuring 87.41 acres situated in village Mayadih within Chandwara Block, District Koderma (said land).

3. 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.

4. 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”.

5. 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.

6. The learned counsel for the petitioner states that the petitioner will file a detailed complaint before the Collector/Circle officer (6th respondent) 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.

7. Upon receipt of such a complaint, the Collector/Circle Officer (6th respondent) 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.

8. The Collector/Circle Officer (6th respondent) 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.

9. 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 (6th respondent) must also hear the petitioner/their representative when disposing of the complaint.

10. 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 (6th respondent), acting as a statutory authority under the said Act. Therefore, all contentions of all parties are left explicitly open.

11. This petition is disposed of in the above terms, without any order for costs. All concerned, including the Collector/Circle Officer (6th respondent), exercising powers under the said Act, must act based on an authenticated copy of this order.

12. Interlocutory applications, if any, will not survive and are disposed of.

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

(Rajesh Shankar, J.)

07.05.2026

N.A.F.R.

APK/VK

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