

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No.6864 of 2025

Vijay Kumar Jha & Ors.

....

Petitioners

-Versus-

Ranchi Municipal Corporation & Ors.

....

Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioners

: Mr. Sumeet Gadodia, Advocate

For the Respondent Nos.1 & 2

: Mr. L.C.N Shahdeo, Advocate

For the Respondent Nos.3 & 4

: Mr. Rajendra Krishna, Advocate

: Mr. Yashvardhan, Advocate

05/Dated: 15th January, 2026

1. The order dated 06th December, 2025 reads as under:-

“Issue notice upon the respondent no.3 and 4 through speed post as well as under ordinary process, for which requisites etc. must be filed by next Wednesday i.e., 10.12.2025, failing which, the present writ petition shall stand dismissed without further reference to the Bench.

2. Till further order, there shall be no construction over the plot in question.

3. In view of the above order, learned counsel for the petitioner wants to withdraw I.A. No. 15371 of 2025 seeking stay of the operation of the Building Permit (Annexure-3).

4. Accordingly, I.A. No. 15371 of 2025 is dismissed as withdrawn.

5. Put up this case on 15.01.2026.”

2. The order dated 19th December, 2025 reads as under:-

“Heard Mr. Sumeet Gadodia, learned counsel for the petitioners, Mr. L.C.N. Sahdeo, learned counsel for the Respondent Nos.1 and 2- Ranchi Municipal Corporation and Mr. Rajendra Krishna, learned counsel for the Respondent Nos.3 and 4.

2. This case was heard for the first time on 06.12.2025 and notices were issued to the Respondent No.3 and 4 and the Coordinate Bench (Hon'ble Mr. Justice Rajesh Kumar) directed that till further order, there shall be no construction over the plot in question.

The petitioners had also withdrawn I.A. No.15371 of 2025 seeking stay of the operation of the Building Permit (Annexure-3).

3. This case was placed on 16.12.025 before this Court when the Respondent Nos.3 and 4 had filed Interlocutory Application being I.A. No.16897 of 2025 for vacating stay order and this case was mentioned before this Court. Then the matter was placed before this Court on 16.12.2025 as the Co-ordinate Bench (Hon'ble Mr. Justice Rajesh Kumar) was not available for the last few days and the case has been heard in the light of administrative instruction of

Hon'ble the Chief Justice by which this Court has been authorized to hear the urgent matters of the roster of the Co-ordinate Bench (Hon'ble Mr. Justice Rajesh Kumar).

4. I.A. No.16897 of 2025 has been filed on behalf of the Respondent No. 4 on 15.12.2025 for vacating the interim order dated 06.12.2025 passed in W.P. (C) No.6864 of 2025 by the Co-ordinate Bench.

5. The petitioners have also filed reply to the I.A. No.16897 of 2025 on 18.12.2025.

6. Learned counsel for the Respondent No.3 and 4 mainly has contended that the order dated 06.12.2025 has been passed in absence of Respondent No.3 and 4 by which the construction over the plot in question has been stayed. It is further submitted that Ranchi Municipal Corporation has already instituted a complaint filed by some of the residents and U.C Case has been registered. It is further submitted that there are twelve (12) land owners who have not been made parties in this writ petition. It is also contended that this writ petition is also not maintainable. It is submitted that building plan has already been approved on 06.05.2024 (i.e. Annexure-3 of the writ petition) by the Respondents-RMC. It is further contended that only four persons have filed this instant writ petition and also raised number of contentions. It is submitted that even the R.M.C has issued notice to the Respondents via letter No.544 dated 16.10.2025 (marked as Annexure-1-A/1) in this Interlocutory Application and which has been suppressed by the petitioners while filing this writ petition.

7. It is submitted that the Respondent Nos.3 and 4 have incurred huge expenses and have erected structures and they are suffering loss of approx Rs.50,000/- per day and the construction work has been stopped and hence the interim order dated 06.12.2025 passed by the Co-ordinate Bench may be vacated.

8. On the other hand, learned counsel for the petitioners submitted that this writ petition is maintainable on behalf of even a single Flat Owner, in the light of the judgment reported in Supertech Limited vs. Emerald Court Owner Resident Welfare Association and others reported in (2021) 10 SCC 1 and Section 10(4) of the Jharkhand (Flat) Apartment Act, 2011. It is further submitted that petitioners have also filed separate Interlocutory Application for impleading the land owners as the parties in this case, which is sub- judice before this Court. It is submitted that even the aforesaid notice dated 16.10.2025 (Annexure-1-A/1) has not been served upon the petitioners rather the same has been served upon the Builders and even till date no notice has been served to the petitioners by the R.M.C. It is submitted that there is no prima facie case in favour of the Respondents and there is no balance of convenience in their favour and they have not suffered any loss. It is submitted that builders have started construction on 25.08.2025 which is evident from Annexure-6 of this writ petition. It is further submitted that Builders are making construction upon the common area and the open spaces and amenities which are being used by the Flat Owners in question and there is no 4 separate road for them now. They have also enclosed photo copies of the Map, Sanctioned Plan and the latest photographs as Annexures-13, Annexure-14 series and Annexure-15 series respectively in their reply filed on 18.12.2025 Hence the interim order dated 06.12.2025 passed by the Co-ordinate Bench may not be vacated.

9. *Mr. L.C.N. Sahdeo, learned counsel for the Respondent Nos.1 and 2 has opposed the submission of the writ petitioners and submitted that the grievance of the petitioners is under consideration of R.M.C and one U.C case has already been registered bearing U.C Case No.64 of 2025 and even notice has been issued to the Respondent No.4 vide letter No.544 dated 16.10.2025. It is submitted that as the grievance of the petitioners is under consideration of the Municipal Authorities and hence this writ petition is not maintainable.*

10. *Although a number of submissions have been raised on behalf of both the sides on the main issue raised in this case also, however, this Court finds that it will not be proper to decide the main issues raised in this writ petition as this writ petition is already fixed on 15.01.2026 and the case of the writ petitioners and the private Respondents can be decided on the merit of case on that date.*

11. *However, this Court further finds that while passing the order dated 06.12.2025, the Co-ordinate Bench has passed interim order against the Respondent Nos.3 and 4 without hearing them.*

12. *It also appears from the pleading made in this writ petition that the writ petitioners have mentioned in paragraph 13 of the writ petition also that there are twelve (12) land owners in whose favour building plan/building permit has been sanctioned vide Building Permit Memo No.RMC/AH/1687/W35/2022 dated 06.05.2024 (i.e. Annexure-3 to the writ petition).*

13. *But they have filed I.A. No.17158 of 2025 on 18.12.2025 for impleading these land owners but they were not added as the parties in the main writ petition.*

14. *Thus, on the one hand, the writ petitioners have not impleaded the twelve (12) Land Owners as the parties respondents in the writ petition rather on the other hand they have merely impleaded Respondent Nos.3 and 4 who are said to be the Developers and Builders only.*

15. *It has been submitted at Bar by the learned counsel for the Municipal Corporation that the Corporation has already have instituted one U.C Case No.64 of 2025 against the Builder and Developer and they shall proceed and they will be taking necessary steps, in accordance with law.*

16. *Mr. Gadodia, learned counsel for the petitioners further submitted that there is no prima facie case in favour of the respondents neither the balance of convenience lie in their favour and no irreparable injury has been caused to them. However, this Court finds that the documents filed by the petitioners enclosed as Annexures-14 series and Annexure-15 series in the reply dated 18.12.2025 shows that the same are the photographs taken from the Google Map by which it reveals that a huge construction has been erected by the Respondent Nos.3 and 4 and it shows that works were also going on and materials are lying there. Therefore, such construction would not be possible in a period of three (03) months rather it shows that the construction work was going on since long, although it has been contended on behalf of the petitioners that they have started construction on 25.08.2025 but such huge construction is not possible in a short span of time of only three months. Thus, there is prima facie case in favour of Respondent Nos.3 and 4 and balance of convenience lies in their favour and irreparable injury will be caused to them as they were developing the building structure since May/July-2024 till 06.12.2025.*

17. It also reveals that the petitioners have filed representations on 06.05.2024 and on subsequent dates on 24.05.2024, 03.07.2024 and lastly on 13.12.2024 (as contained in Annexure-5 series) before the Municipal Commissioner, Ranchi Municipal Corporation. They have also represented again before the Municipal Commissioner and Town Planner vide letter dated 25.08.2025 (Annexure-6).

18. Considering the rival submissions of the parties and also from going through the pleading made in this writ petition, it appears that there are some issues between the Flat Owners and the Builders and which can be looked into by the Municipal Commissioner.

19. But the question remains that whether interim order can be passed against the persons who have not been heard.

20. This Court finds that no such notice was issued to the Respondent Nos.3 and 4 while passing the interim order dated 06.12.2025 by the Coordinate Bench and even on 06.12.2025 the Respondent Nos.3 and 4 were not heard and even the copy of the writ petition was not served upon the Respondent Nos.3 and 4 by the petitioners.

21. Accordingly, the order dated 06.12.2025 passed by the Coordinate Bench is modified and recalled to the extent that Respondent Nos.3 and 4 shall continue to make construction on the plot in question and the Respondent Nos.3 and 4 are permitted to start the construction of the work till further order of the Court.

22. However, the Respondent No.1 and 2 are directed to look into the matter and if the U.C Case No.64 of 2025 has been instituted, then all the concerned persons including the petitioners may be heard in the meantime and it will be open to both the sides to raise grievances before the Municipal Commissioner, who will look into the matter and examine the grievances of the flat owners, if any, in the light of representations as contained in Annexure-5 series.

23. Thus, I.A. No.16897 of 2025 is allowed and stands disposed of.

24. Put up this case on 15.01.2026 before the appropriate Bench as per Roster.

25. It is clarified that this Court has not entered into the merit of this case and this order has been passed only on the point of passing of the interim order."

3. There is a conflict between the two orders of the Single Judges which requires consideration by the Division Bench of this Court.

4. Accordingly, let the matter be referred to Hon'ble the Chief Justice for placing it before the Division Bench.

(Rajesh Kumar, J.)