

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
**W.P. (C) No. 6864 of 2025**

Vijay Kumar Jha and Others ... .. Petitioners  
Versus

Ranchi Municipal Corporation and Others ... .. Respondents

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

-----  
For the Petitioners: Mr. Sumeet Gadodia, Advocate  
Mr. Aditya Kumar, Advocate  
Ms. Sharda Kumari, Advocate  
Mrs. Shilpi Sandil Gadodia, Advocate  
Mr. Prakhar Harit, Advocate  
Mr. Anish Lal, Advocate  
For Resp. Nos.1&2: Mr. L.C.N. Shahdeo, Advocate  
Mr. Yash Raj Gupta, Advocate  
For Resp. Nos.3&4: Mr. R.N. Sahay, Sr. Advocate  
Mr. Yashvardhan, Advocate  
For Resp.5-11,13,14: Mr. Indrajit Sinha, Advocate  
Mr. Kashish Tiwary, Advocate  
-----

**08/Dated: 17.02.2026**

1. Heard the learned counsel for the parties.
2. Mr. Indrajit Sinha, learned counsel, points out that respondent nos.12, 15 and 16 have since expired. He also hands in a note giving details of the legal representatives of these deceased respondents.
3. With the consent of the learned counsel for the parties, leave is granted to the petitioner to bring on record the legal representatives of respondent nos.12, 15 and 16.
4. Necessary amendment to be carried out within a week.
5. Mr. Sinha states that he will appear on behalf of the legal representatives.
6. Accordingly, service upon the legal representatives is waived.
7. This matter relates to the assignment of the learned Single Judge. However, by order dated 15<sup>th</sup> of January 2026, the learned Single Judge noted that there was a conflict between two orders

which would require consideration by the Division Bench. Based upon this, the matter was placed before the Division Bench.

**8.** The conflict, according to the order of 15<sup>th</sup> January 2026, was between the orders dated 6<sup>th</sup> of December 2025 and 19<sup>th</sup> of December 2025. By the first order, the learned Single Judge, having the regular assignment, ordered notice but directed that, until further orders, there shall be no construction on the plot in question. By the second order dated 19<sup>th</sup> December 2025, another learned Single Judge, before whom the matter came up because the learned Judge who passed the order dated 6<sup>th</sup> of December 2025 was on leave, vacated the interim order restraining construction on the said plot and held that the 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.*"

**9.** Mr R.N. Sahay, the learned Senior Counsel appearing on behalf of respondent nos. 3 and 4, submitted that the first order dated 6 December 2025 was only an ad-interim order made without notice to the opposite party. In our opinion, however, both orders were ad interim. The second order does not touch the prima facie merits. It only vacated the first order because the first order was made ex parte.

**10.** The second order, made when the learned Single Judge who made the first order was on leave on that day, only states that the 3<sup>rd</sup> and 4<sup>th</sup> respondents shall continue the construction until further orders of the Court.

**11.** In any event, we do not think that the two orders, which are purely ad-interim arrangements made until regular Bench would

resume and take up the issue of interim relief, could be said to be conflicting and, therefore, necessitating consideration by the Division Bench of this Court.

**12.** The learned counsel for the parties agree that the matter may be restored to the learned Single Judge, as the matter pertains to the assignment of the learned Single Judge. Such a course, in our opinion, would be appropriate because it would not deprive the parties of a right to appeal and a forum. The appeal forum would also benefit from a reasoned order made after considering the rival claims, pleadings, and documents.

**13.** The learned counsel for the respondents, however, submitted that directions may be issued, or at least a request made, for the expeditious disposal of either the petition itself or the application for interim relief. They submitted that any restraint on the construction would severely prejudice the respondents, because the construction in question, apart from being consistent with validly issued permissions, was undertaken after obtaining finances from banks and financial institutions.

**14.** Mr Sahay submitted that the petition was not maintainable for various reasons, including, but not limited to, the availability of alternative remedies to the petitioner.

**15.** Mr. Gadodia, whilst not objecting to any direction for the expeditious disposal of the petition or the application for interim relief, contested the remaining submissions. He submitted that the petitioners have no other alternative or efficacious remedy other than instituting the writ petition. He submitted that this was a case of fraud

in the issuance of permissions and that the construction was being carried out on the designated open space/common area. He submitted that such construction far exceeds the permissible FAR, and that the petitioners will be able to demonstrate this before the learned Single Judge. He also sought to rely on the reports of the Municipal Engineers/Junior Engineers/Town Planners, etc., to submit that the constructions were patently illegal and unauthorised.

**16.** At this stage, since the matter is to be returned to the learned Single Judge, it is not for this Court to adjudicate on or even comment on the rival contentions. All contentions, including that of maintainability, fraud and other contentions, are explicitly left open to be decided by the learned Single Judge on their own merits and in accordance with the law.

**17.** None of the observations in this order or the order made on 29.01.2026 or the two ad-interim orders needs to influence the learned Single Judge in deciding the petition or the application for interim relief in accordance with law and on their own merits. Therefore, once again, we clarify that all contentions of the parties remain open to decision by the learned Single Judge in accordance with law, on their own merits.

**18.** Accordingly, we remit this matter to the learned Single Judge having the roster to decide such matters, with a request that the petition itself be disposed of expeditiously or the prayer for interim relief be heard and decided expeditiously. This is because until the prayer for interim relief is decided by the learned Single Judge, the arrangement reflected in our order dated 29.01.2026 shall continue

given the statement now made by the learned counsel for the Ranchi Municipal Corporation that no construction would be allowed at the site until the petitioner's prayer for interim relief vide I.A. No. 531 of 2026 is disposed of by the learned Single Judge.

**19.** Accordingly, we remit the matter to the learned Single Judge having the roster assignment, again with a request to consider either disposing of the petition itself or to dispose of the petitioners' prayer for interim relief, as expeditiously as possible.

**20.** The learned counsels for the parties have assured this Court that they would co-operate with the learned Single Judge in the expeditious disposal. The ad-interim arrangement in terms of the order dated 29.01.2026 and based upon the statement of the learned counsel for the Ranchi Municipal Corporation shall continue until the prayer for interim relief is considered and disposed of on its merits and in accordance with the law.

**21.** The parties/learned counsels for the parties may now appear before the learned Single Judge on the 25<sup>th</sup> of February 2026 at 10:30 a.m.

**22.** The Registry is to list this matter on the said date before the assignment or roster Bench.

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

**(Rajesh Shankar, J.)**

**February 17, 2026**

Manoj/ Sharda/Cp.1