

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 19 of 2026

[Arising out of W.P. (C) No. 4678 of 2023]

1. Ranchi Regional Development Authority, having its office at 1st Floor, Pragati Sadan, Kutchery Road, P.O. G.P.O. Ranchi, P.S. Kotwali, District Ranchi.
2. Vice- Chairman, Ranchi Regional Development Authority, having its office at 1st Floor, Pragati Sadan, Kutchery Road, P.O. G.P.O. Ranchi, P.S. Kotwali, District Ranchi.

... Respondents/Appellants

Versus

Lovelin Kumar, aged about 47 years, son of Late Shyam Bihari Tiwary, Resident of Tiwary Niwas, Tripathy Colony, Behind Hotel Yuvraj Palace, P.O. Doranda, P.S. Doranda, District Ranchi, Jharkhand.

... Writ Petitioner/Respondent

WITH

L.P.A. No. 26 of 2026

[Arising out of W.P. (C) No. 1592 of 2022]

1. Ranchi Regional Development Authority, having its office at 1st Floor, Pragati Sadan, Kutchery Road, P.O. G.P.O. Ranchi, P.S. Kotwali, District Ranchi.
2. Vice- Chairman, Ranchi Regional Development Authority, having its office at 1st Floor, Pragati Sadan, Kutchery Road, P.O. G.P.O. Ranchi, P.S. Kotwali, District Ranchi.

... Respondents/Appellants

Versus

1. Premlata Agarwal, aged about 70 years, wife of Prakash Chand Agarwal, resident of Cozy Corner, Burdwan Compound, P.O. Lalpur, P.S. Lalpur, District Ranchi.

Writ Petitioner/Respondent

2. State of Jharkhand through Secretary, Department of Urban Development & Housing Department, Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.

... Respondent/Performa Respondent

WITH

L.P.A. No. 32 of 2026

[Arising out of W.P. (C) No. 1595 of 2022]

1. Ranchi Regional Development Authority, having its office at 1st Floor, Pragati Sadan, Kutchery Road, P.O. G.P.O. Ranchi, P.S. Kotwali, District Ranchi.

2. Vice- Chairman, Ranchi Regional Development Authority, having its office at 1st Floor, Pragati Sadan, Kutchery Road, P.O. G.P.O. Ranchi, P.S. Kotwali, District Ranchi.

... Respondents/Appellants

Versus

Premlata Agarwal, aged about 70 years, wife of Prakash Chand Agarwal, resident of Cozy Corner, Burdwan Compound, P.O. Lalpur, P.S. Lalpur, District Ranchi.

... Writ Petitioner/Respondent

WITH

L.P.A. No. 40 of 2026

[Arising out of W.P. (C) No. 4130 of 2021]

1. Vice- Chairman, Ranchi Regional Development Authority, having its office at Kutchery Road, Deputy Para, Ahirtoli, P.O. G.P.O., P.S. Kotwali, District Ranchi.
2. Secretary cum State Officer, Ranchi Regional Development Authority, having its office at, Kutchery Road, Deputy Para, Ahirtoli, P.O. G.P.O., P.S. Kotwali, District Ranchi.

... Respondents/Appellants

Versus

1. R.S. Education Foundation Pvt. Ltd., Having its registered 29/1A, Ground Floor, Chandranath Chatterjee Street, P.O. G.P.O, P.S. Bhawanipore, District Kolkata, State West Bengal, through its authorized signatory Pankaj Banka, aged about 43 years, S/O Sri Ramesh Banka R/O Ratu Road, P.O. G.P.O. & P.S. Kotwali District Ranchi.
2. R.S. Foundation Pvt. Ltd. Having its registered office at "Radha Gouri", Goushala Chowk, North Market Road, Uppar Bazar, P.O. G.P.O, P.S. Kotwali, District Ranchi through its authorized signatory Prashant Kumar, aged about 42 years, S/O Shri P.C. Prasad, R/O Singh More, P.O. Hatia. & P.S. Jagganathpur, District Ranchi
3. Sharda Global School, run by RS. Foundation situated and having its office at Bukru, P.O. Kanke, P.S. Kanke, District Ranchi through its authorized signatory Bipin Kumar, aged about 32 years, S/O Late Mahendra Ram near B.A.U. Gate Kanke, P.O. Kanke, P.S. Kanke, District Ranchi

Writ Petitioners/ Respondents

4. State of Jharkhand through its Principal Secretary, Urban Development & Housing Department, Government of Jharkhand,

having its office at Project Bhawan, P.O. Dhurwa, P.S. Jagannathpur, District Ranchi.

Respondent/ Performa Respondent

WITH

L.P.A. No. 59 of 2026

[Arising out of W.P. (C) No. 6039 of 2023]

1. Ranchi Regional Development Authority, having its office at 1st Floor, Pragati Sadan, Kutchery Road, P.O. G.P.O. Ranchi, P.S. Kotwali, District Ranchi.
2. Vice- Chairman, Ranchi Regional Development Authority, having its office at 1st Floor, Pragati Sadan, Kutchery Road, P.O. G.P.O. Ranchi, P.S. Kotwali, District Ranchi.

... Respondents/Appellants

Versus

1. Minu Trivedi, aged about 65 years, wife of Late Bharat Nath Trivedi, presently residing at Flat No. 4C, Vijaya Homes, Amethiya Nagar, Namkum, P.O. Namkum and P.S. Namkum, District -Ranchi, permanent resident of Tripathi Colony, Tiwary Niwas, Behind Hotel Yuvraj Palace, P.O. Doranda, P.S. Doranda, District Ranchi, Jharkhand.
2. Sheo Narayan Prasad, about aged 64 years, son of Late Harikesh Vishwakarma, resident of Qtr. No. ME/28-B Area V, Maithon Dam, P.O. Dhanbad, P.S. Dhanbad, District Dhanbad, Jharkhand.
3. Meena Singh, aged about 58 years, wife of Dilip Singh, resident of Makan-250, Bina Niketan, Near Sarkari Kuwa, Mani Tola, Hinoo, P.O. Doranda, P.S. Doranda, District Ranchi, Jharkhand.
4. Seetu Singh Chhetry, aged about 45 years, wife of Devesh Singh Chhetry, resident of Near Sarkari Kuan, Bina Niketan, Mani Tola, Hinoo, P.O. Doranda, P.S. Doranda, District Ranchi, Jharkhand.
5. Kabita Pradhan, aged about 50 years, wife of Tej Kumar Pradhan, resident of Flat No.4B, Vijaya Homes, Amethiya Nagar, Near Vinayaka Hospital, Khijri Block, P.O. Namkum, P.S. Namkum, District Ranchi, Jharkhand.
6. Tej Kumar Pradhan, aged about 55 years, son of Sukman Pradhan, resident of Flat No.4B, Vijaya Homes, Amethiya Nagar, Near Vinayaka Hospital, Khijri Block, P.O. Namkum, P.S. Namkum, District Ranchi, Jharkhand.
7. Shibendu Majumdar, aged about 58 years, son of Purnendu Bhuson, resident of Majumdar, Vijaya Homes Flat No. 2C, Amethia

Nagar, Namkum, P.O. Namkum, P.S. Namkum, District Ranchi, Jharkhand.

8. Purnendu Kumar Singh, aged about 62 years, son of Ram Prawesh Singh, resident of Flat No. 4A, Shree Prakash Apartment, Bariatu Road, Near Agrawal Nursing Home, Karamtoli, Ranchi, P.O. Ranchi University, P.S. Morabadi, District Ranchi, Jharkhand.
9. Chandra Chur Chakraborty, aged about 54 years, son of Late Nityanand Chakraborty, resident of Bishop Westcott Boy's School Namkum, P.O. Namkum, P.S. Namkum, District Ranchi, Jharkhand.
10. Samapati Chakraborty, aged about 39 years, wife of Chandra Chur Chakraborty, resident of Bishop Westcott Boy's School Namkum, P.O. Namkum, P.S. Namkum District Ranchi, Jharkhand.
11. Chandra Sekhar Chakraborty, aged about 60 years, son of late Nityanand Chakraborty, resident of Bishop Westcott Boy's School, Namkum, P.O. Namkum, P.S. Namkum, District Ranchi, Jharkhand.
12. Smt. Banashree Chakraborty, wife of Chandra Sekhar Chakraborty resident of Bishop Westcott Boy's School Namkum, P.O. Namkum, P.S. Namkum, District Ranchi, Jharkhand.

... Writ Petitioners/Respondents

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

For the Appellants:	Mr. Rajiv Ranjan, Advocate General Mr. Shray Mishra, A.C. to A.G. Ms. Sonal Tiwari, A.C. to A.G. Mr. Manish Kumar, Sr. S.C.-II Mr. Ashwini Bhushan, A.C. to Sr. S.C.-II
For the Respondents:	Mr. Indrajit Sinha, Advocate Mr. Bhaskar Trivedi, Advocate Mr. Ankit Vishal, Advocate (LPA Nos.19/26, 26/26, 32/26, 59/26) Mr. Kumar Harsh, Advocate Mr. T. Mohanta, Advocate Mr. Harsh Vardhan, Advocate (LPA No.40/2026)

04/Dated: 18.03.2026

1. Heard the learned Advocate General for the appellants, Mr. Indrajit Sinha, Mr. Kumar Harsh and Mr. Bhaskar Trivedi, learned counsels, appearing for the contesting respondents.

2. These appeals are directed against the common judgment and order dated 14.11.2025 made by the learned Single Judge holding *inter alia* that the jurisdiction of the Ranchi Regional Development Authority (appellants herein) will not extend over Panchayat Areas.

3. For reaching the above conclusion, the learned Single Judge has *inter alia* relied on Part IX and Part IX-A of the Constitution brought into force by the 73rd and 74th Amendments of 1992 and also to the Notification published by the Department of Rural Development, Government of Jharkhand, dated 12th of August 2017, stating that this Notification has brought into force The Jharkhand Panchayat Land Development (Map and Building Development) Rules, 2017. According to us, this issue requires careful consideration, and therefore, these appeals warrant admission. Therefore, we admit these appeals and expedite their hearing.

4. Insofar as the interim relief is concerned, at the outset, we note that a submission was made on behalf of the petitioners before the learned Single Judge that the Notification dated 12th of August 2017 (Annexure 20) brought into force the Jharkhand Panchayat Land Development (Map and Building Development) Rules, 2017. Further submission was made that these rules had been framed by the State Government in exercise of powers under Section 131 of the Jharkhand Panchayat Raj Act, 2001, to provide for a procedure of a sanction of a building plan/map in respect of a building which is to be constructed over an area covered by the operation by the Jharkhand Panchayat Raj Act, 2001.

5. The learned Single Judge has recorded that the respondents have not disputed the above position. This means that this was one of the reasons relied upon to reach the conclusion that the jurisdiction of the Ranchi Regional Development Authority (appellants herein) will not extend over Panchayat Areas.

6. The learned Advocate General submitted that there was no question of raising any dispute because a bare reading of the Notification dated 12th of August 2017 would show that the Rules referred to therein were only “Draft Rules” published to invite objections and suggestions. The Notification nowhere says that such Rules had been brought into force. He submitted that such rules were never brought into force, inter alia, because the mukhiyas or the Panchayats do not even have the technical expertise to undertake planning activities or to approve construction plans.

7. According to us, at least *prima facie*, the submission, which was made on behalf of the petitioners in relation to “2017 Draft Rules” and the attempt to pass off such “Draft Rules” as Rules in force, was quite misconceived and misleading. In any event, since such Rules were one of the considerations that prompted the learned Single Judge to take the view that RRDA ceases to have any jurisdiction over the areas covered by the operation under the Jharkhand Panchayat Raj Act, 2001, at least *prima facie*, this position may require a revisit.

8. Even the issue of application of the doctrine of “occupied field” which has been invoked by the learned Single Judge would require a further and detailed examination. At least *prima facie*, the scope of the two legislations appears to be different.

9. In the meantime, if constructions and developments are permitted in Panchayat Areas solely on the basis of permissions issued by the Mukhiyas or even the Panchayat as a body, we think, *prima facie*, that public interest might be a casualty. An irreversible situation is likely to arise in which the parties, who propose to construct or who construct based only on the permissions from the Mukhiyas or the Panchyat, would claim equities.

10. The Learned Advocate General has contended that the Panchayats do not have the technical expertise to approve building construction plans. He has also contended that the effect of the impugned judgment and order is to virtually strike down the provisions of the law under which the RRDA came to be constituted or, in any event, to efface the provisions of such enactment insofar as Panchayat Areas are concerned. He submitted that, in terms of the assignment, issues of constitutional validity are required to be addressed by the Division Bench.

11. For all the above reasons, we are satisfied that a case has been made out to stay the operation of the impugned judgment and order dated 14.11.2025. Accordingly, we stay the operation of the impugned judgment and order 14.11.2025, pending the disposal of these appeals. However, we clarify that based on this stay, the RRDA should not proceed with the demolition orders already made. The status quo will have to be maintained. This means that where structures are ordered to be sealed, the sealing will continue, but the RRDA will not proceed with demolitions during the pendency of these appeals.

12. The learned counsel for the respondents in LPA No. 40 of 2026 submits that no demolition order has been made by the RRDA, but only a notice to show cause has been issued to the respondents.

13. RRDA is granted liberty to proceed with such show cause notices; however, if any adverse action is proposed, the same should not be actually implemented without seeking leave of this Court.

14. The learned counsel for the respondents in LPA No. 59 of 2026 submits that the 6th respondent has expired, and he says that within two weeks from today, he will furnish the details of legal representatives of the 6th respondent to the learned counsel appearing with the learned Advocate General on behalf of the appellants.

15. Necessary steps must be taken to bring such legal representatives on record.

16. These LPAs are fixed for final hearing in the week commencing from the 15th of June 2026.

17. The learned counsel for the parties are requested to provide brief notes of their arguments, along with the decisions they propose to rely upon, before the final hearing.

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

(Rajesh Shankar, J.)

March 18, 2026

Manoj/ Sharda/Cp.2

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