

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(PIL) No. 4736 of 2018

Jyoti Sharma Petitioner
Versus
The State of Jharkhand and Ors. Respondents
With
W.P.(PIL) No. 519 of 2020

Court on its Own Motion
Versus
The State of Jharkhand and Ors. Respondents
With
W.P.(PIL) No. 1301 of 2020

Court on its Own Motion
Versus
The State of Jharkhand and Ors. Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

Amicus Curiae	: Mr. Indrajit Sinha, Advocate Mr. Kashish Tiwary, Advocate
For the Intervenor	: Mr. Ajit Kumar, Sr. Advocate
For the Petitioner	: Mr. Saurav Arun, Advocate Mr. Deepak Kr. Dubey, Advocate Ms. Rashmi Sharma, Advocate
	[W.P.(PIL) No. 4736 of 2018]
For the State	: Mr. Sachin Kumar, AAG-II Mr. Ashok Kumar Yadav, Sr. SC-I Mr. Abhijeet Anand, AC to Sr. SC-I
For the RIMS	: Dr. Ashok Kumar Singh, Advocate Mr. Nipun Bakshi, Advocate Mr. Sharon Toppo, Advocate
For the JSBCCL	: Ms. Khalida Haya Rashmi, Advocate

46/Dated: 20th December, 2025

1. Mr. Ashok Kumar Yadav, learned Sr. SC-I appearing for the respondent-State has pointed out that one Rakhee Nisha Oraon wife of Shri Ashish Singhmar is occupying “Kelly Bungalow No.2” of RIMS which was earlier allotted to her husband by the Government at the time when he was serving in the State of Jharkhand on deputation. However, thereafter, Shri Singhmar has been repatriated to his parent department, i.e., the State of Himachal Pradesh and the Bungalow is now being

illegally occupied by his wife Rakhee Nisha Oraon, who herself though an IRS Officer and had earlier been on deputation in the State of Jharkhand but has been repatriated and relieved on 09.04.2025 to join her parent department, i.e., the Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, Government of India, New Delhi and this fact has not been disputed by Rakhee Nisha Oraon before the writ court as is evident from perusal of para-3 of the order passed by the learned writ court, but this premises has not been allotted to her. Even the writ petition filed by Rakhee Nisha Oraon being W.P.(S) No.7623 of 2025 has been dismissed by the learned Single Judge vide order dated 19.12.2025.

2. Obviously, in such circumstances Ms. Rakhee Nisha Oraon and/or anyone of her family members have no right, title and interest to retain the premises, i.e., “Kelly Bungalow No.2”, merely because she happens to be a high ranked government servant. It actually does not behoove an official to illegally occupy government accommodation.
3. Accordingly, Ms. Rakhee Nisha Oraon is directed to vacate the premises, i.e., Kelly Bungalow No.2 within 15 days by handing over peaceful possession to the management of RIMS failing which she will be liable to be forcibly evicted.
4. Let a copy of this order be sent to Ms. Rakhee Nisha Oraon as also the Central Board of Direct Taxes, Department of Revenue, Ministry of Revenue, Government of India, New Delhi.
5. Compliance report in this regard be filed by the RIMS by the next date of hearing.
6. Now coming to the issue of encroachment of land within the acquired land of the RIMS. It is a case where, as per the report of the learned Member Secretary, JHALSA, encroachment has been found within the premises of the RIMS to the extent of about 07 acres of land.
7. We, after taking cognizance thereof, had passed an order on 03.12.2025 incorporating the inspection report of the learned Member Secretary, JHALSA. For ready reference, the said part of the order is being reproduced as under:

“ ...

4. In compliance to the order passed by this Court on 20.11.2025, the Member Secretary, JHALSA, has submitted a report which reads as under:

“Report prepared in the light of order dated 20.11.2025 of Hon'ble High Court of Jharkhand in WP (PIL) No. 4736 of 2018.

Hon'ble High Court of Jharkhand has been pleased to direct inter alia that:

"Para7... Specific Report regarding encroachment of the RIMS Premises shall also be furnished within a period of 10 days from today..."

In compliance of Order of Hon'ble High Court of Jharkhand, undersigned has visited and inspected entire RIMS premises on 26.11.25 and 27.11.25, in presence of Estate Officers and Medical Superintendent of RIMS, Circle Officer, Ameen and other staffs of Badgai Anchal.

Circle Officer Badgai has submitted a map of RIMS (acquired area), in which he has shown the entire area of acquired land by RIMS and land encroached (in red ink) through the map. He has also shown the details of land in the map. The land was situated in four Mauza namely:

Mauza Morabadi - Thana no. 192-P.S. Ranchi

Mauza Kokar - Thana no. 196-P.S. Ranchi

Mauza Bariyatu - Thana no. 194-P.S. Ranchi

Mauza Tiril - Thana no, 195-P.S. Ranchi

It has further been shown that area of 8 acres of land are encroached in Morabadi mauza and 1.65 acres of land in Kokar mauza. However, no encroachment is shown in Bariyatu and Tiril mauza in the aforesaid map. Further RIMS administration has also shown and submitted one map in which encroachment has been shown by marking it in red ink.

Undersigned has further interacted and enquired the matter with representatives of RIMS administration as well as District Administration regarding encroachment and thereafter physically verified several spots, where land of RIMS was encroached.

1. Encroachment in front of old emergency gate of RIMS

Undersigned has found that one temple was constructed at the premises of RIMS and even 1st floor above the aforesaid temple was being constructed. Besides that almost 10-20 shops were in existence and are running near the temple within the premises of RIMS. Further, at the side of OPD almost hundreds of street vendors have also temporarily established their carts (thelas), thereby restricting the mobility of the emergency vehicle such as ambulance to even pass from that road. It has been submitted by the Representative of RIMS that no place of parking is designated within the campus. However undersigned has found some signage denoting no parking area but many vehicles were parked in those areas restricting the passage/road within the campus. Even in case of emergency, it affects the mobility of ambulance, which can create instant life threat to the patients.

2. Encroachment at DIG ground (commonly named by the villagers)

Undersigned has further visited and inspected the 2nd place which was generally named by the villagers as DIG ground and found that a park was constructed at the RIMS premises, which was named as Buddha Park. 3-4 multistoried buildings were also constructed within the acquired area of RIMS. Beside this park, one field about 150x350 ft was also found encroached. The surrounding of the said field was fenced, where agricultural work was being done. During enquiry it has been disclosed that the piece of land was illegally occupied by DIG Saheb

One PCC road has also been constructed within the campus. It has also been found that one statue of Birsa Munda has been set up along with one

stage in the middle of the ground. One Apartment has also been constructed near the DIG ground and the flats therein have been sold without valid paper

More than 150 kuchha houses/pucca houses were also constructed near the aforesaid ground. All these constructions are over the RIMS acquired land.

On enquiry, the representative of RIMS administration, has submitted that several warnings were also given to these persons, but they constructed these permanent structures as well as kachcha makan beside DOG ground. He has also submitted that RIMS has not filed any FIR in this regard. He further submitted that local people have broken the boundary wall and use the RIMS land as passage. It also came to knowledge that many of the plots which are the part of acquired land of RIMS were sold and mutated in the name of private person. Though CO Office could not specify the name of those people.

Representatives of District Administration have submitted that notices have also been issued to the persons who have encroached the land but they are not vacating it.

3. Encroachment at North Campus at RIMS (Adjacent places near four lane road called Bariatu Road)

Undersigned has further visited the place which was adjacent to the Bariatu road and found that 2 temples were in existence and one more temple is under construction within the acquired land of RIMS. One temporary construction was also made at the backside of the temple. Total area encroached there is about 5000 sq.m.

On enquiry, it has been submitted by the RIMS administration that they have tried to stop the construction of 3rd temple at the RIMS campus, but administration is not cooperating.

Further, about 25 temporary constructions over RIMS acquired land in North Campus was also found and old buildings (Quarter) of doctors are also illegally occupied by some locals and staff of cleaning agency. RIMS administration stated in this regard that local police station is not cooperating to vacate these quarters.

It also came into knowledge that at many places the local people had broken the boundary of RIMS and uses it as unauthorized passage.

4. Encroachment near Girls' hostel situated at North Campus

Undersigned has further visited and inspected the encroached area which was situated near girls hostel of RIMS and found that boundary wall was broken. One PCC road was constructed by the government within the acquired area of RIMS. 20-30 temporary illegal constructions were found there. Some small shops were also constructed there illegally.

On enquiry, RIMS administration submitted that due to broken boundary wall, encroachments are increasing and there is issue of safety and security of girl students of hostel. Incident of theft are also happening. They have also submitted that 15ft. outer circle road of the RIMS campus was made available for the common people but new PCC roads are being regularly constructed within the middle of the campus.

CONCLUDING REMARKS

The inspection established that RIMS continues to suffer from multiple unauthorized encroachments affecting its functioning and despite repeated notices and warning, no comprehensive steps have been taken by the District Administration, even RIMS administration has not filed single FIR in the matter.

- Encroachments in the form of temples, shops, common building, schools, sarna sthal, park, residential structures, and other constructions obstruct essential hospital services.

- These structures contribute to congestion, hygiene failures, and serious safety hazards within the campus.

- The RIMS administration as well as District Administration have not implemented a time-bound or coordinated plan for eviction and removal of encroachment.
- The continuing encroachment reflects systemic administrative lapses and lack of accountability.
- Immediate joint action is necessary to comply with the Hon'ble High Court's orders.

Undersigned is annexing herewith map produced by CO Office (land of RIMS highlighted in sea blue ink) and RIMS Administration separately. Both the maps highlight the encroached area in red ink. Besides the area marked in red ink, undersigned has also highlighted additional encroached area, in neon colour ink, found during physical inspection.

Sd/-
(Kumari Ranjana Asthana)
Member Secretary”

5. As observed above, the RIMS has been established pursuant to an Act and structures thereupon belonging to the RIMS are over the land that was lawfully acquired. Any other structure, which is not belonging to the RIMS, essentially, therefore, has to be considered to be an encroachment. There cannot be a lawful ownership or any other claim of person or authority over the land belonging to the RIMS, especially within the precincts of RIMS.
 6. We, therefore, deem it appropriate to grant 72 hours to the encroachers who are squatting over the land or building(s) of the RIMS, to remove their belongings and hand over peaceful possession of the land to the RIMS, failing which, the District Administration shall take all necessary steps of evicting the encroachers and report compliance within one week.
 7. The Senior Superintendent of Police, Ranchi shall ensure adequate deployment of police force so as to thwart any untoward incidence.
 8. Any person(s) or authority creating any hindrance or obstructing the Administration from carrying out the eviction, in addition to other lawful steps that shall be taken against such person(s)/authority, shall be guilty of having committed deliberate and willful contempt of the order of the Court.
 9. Let a copy of the report of Member Secretary, JHALSA, be supplied to the State as well as the RIMS.
 10. The other reports submitted by the Member Secretary shall be considered on the next date of hearing.
 11. The State will make adequate publicity of the order passed by this Court so as to facilitate the encroachers to remove their belongings within the stipulated time.
 12. No Court other than this Court shall entertain any claim arising out of or connected with this order.
 13. List on 11.12.2025.”
8. This Court had passed the order for the purpose of removing the illegal encroachment and encroachers, who have constructed their houses by making pucca construction as also the residences on the encroached land

as would be evident from the operative part of the order dated 03.12.2025 as quoted and referred above.

9. Thereafter, several interlocutory applications had been filed seeking intervention as also modification of the order dated 03.12.2025.
10. We have heard the applicant(s) at length and passed the order on 09.12.2025 in one of the interlocutory applications being I.A. No. 16396 of 2025 filed in the present public interest litigation and dismissed the same by appreciating the documents appended thereto supporting the claim of the applicant to be the title holder over the acquired land of RIMS. For ready reference, the order dated 09.12.2025 is being referred as under:

“I.A. No. 16396 of 2025:

1. *The instant interlocutory application has been filed for the following reliefs:*

“That by way of this application the intervenor/applicant seeks leave of this Hon’ble Court to be added as a party respondent in this public interest litigation and for modification of the order dated 03.12.2025 to the extent that an Estate Officer may be appointed for adjudicating the claims of the petitioner and other raiyats who are not encroachers but despite that notice of eviction has been issued.”

2. *Learned senior counsel appearing for the applicant has submitted that applicant is the original owner of the land in question and in support of his argument, he has relied upon the Khatiyani of the year 1932 along with rent receipts and the holding number issued by the Ranchi Municipal Corporation.*

3. *Learned senior counsel, based upon the aforesaid ground, has submitted that even though the title lies with the applicant but in pursuance of the order passed by this Court, the construction is being sought to be demolished, therefore, the present interlocutory application.*

4. *This Court, in order to give opportunity to the applicant who is being represented by the learned senior counsel so as to make out a prima facie case to establish the title, has posted these cases today on being motion made by the learned senior counsel for the applicant and thereby, the case has been listed today by notifying the constitution of Special Bench.*

5. *The documents like the extract of the copy of khatiyani of the year 1932, Gazette notification of acquisition of land in question which has been acquired in the year 1964-65 in pursuance of the proceeding initiated being Land Acquisition Case No. 76 of 1964-65 and the map have been appended with the instant interlocutory application which is the basis to claim the title over the land in question.*

6. *This Court has gone through the aforesaid documents in detail to assess the claim of the applicant over the land in question as is being claimed on behalf of the applicant.*

7. *The admitted fact is that the part of the land in question has been acquired and for the aforesaid purpose, gazette notification was issued on 27.09.1963 showing therein the details of the land which had been acquired for the purpose of construction of Hostel Building of House*

Physicians. The details as available in the gazette notification is being referred as under:

***“OFFICE OF THE DEPUTY COMMISSIONER, RANCHI.
DECLARATION***

The 27th September, 1963

No. 2249-R.L.A.—Whereas it appears to the Deputy Commissioner, Ranchi that land is required to be taken by Government at the public expense for a public purpose, viz., for construction of Hostel Building of House Physicians in the villages of Murabadi no.192 and Koker no. 196 zila Ranchi, it is hereby declared that for the above purpose piece of land measuring, more or less 28.06 acres bounded on the –

VILLAGE MURABADI No. 192

Block ‘A’

North—By S.I. nos, 1568, 1570, 1592, 1581, 1500, 1580, 1692, 1693, 1694, 1585p and 1587p.

South—By nos. 1694, 1697, 1700, 1701, 1702, 1585p and 1587p,

East—By nos. 1693, 1694p and boundary line of village Kokar nos. 196, 1587p and 1585p.

West—By nos. 1694p, 1579p, 1577, 1576, 1572p and 1585p.

Block ‘B’

North—By S. P. 1621, 1622, and 1623, 1683p,

South—By boundary line of village Kokar no. 196.

East—By S. P. nos. 1683p and 1681,

West—By S. P. nos. 1690p, 1689p and 1688p.

VILLAGE KOKAR No. 196

Block ‘A’

North and West—By boundary line of village Murabadi no. 192,

South—By S. P. nos. 11, 14, 15 and 16,

East—By S. P. nos. 3p and 4,

Block ‘B’

North—By S. P. nos. 16, 18, 14p and 11p,

South—By S. P. nos. 21p, 22p and 23p,

East—By S. P. nos. 10, 53, 21p, 22p and 36p,

West—By boundary line of village Murabadi no. 192,

is required within the aforesaid villages of Murabadi and Kokar.

Mines of coal, iron-stone, slate or other minerals lying under the land or any particular portion of the land, except only such parts of the mines and minerals as it may be necessary to dig, or carry away, or use in the construction of the work for the purpose of which the land is being acquired are not needed.

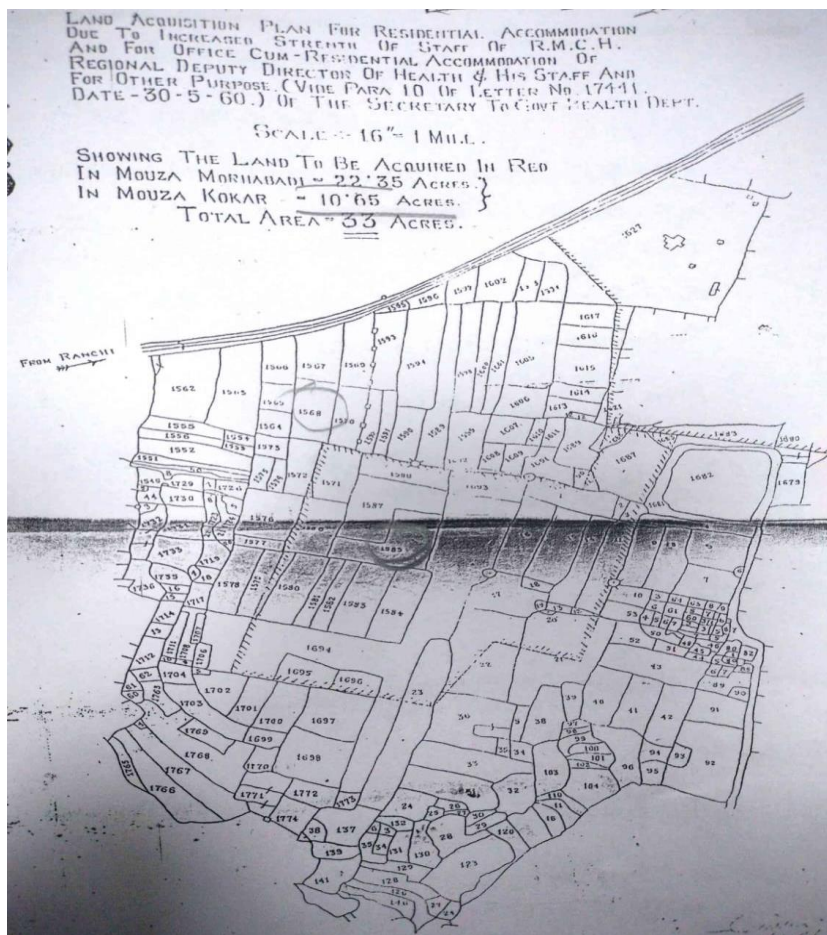
This declaration is made, under the provisions of section 6 of Act I of 1894 and section 3, clause (1) of Act XVIII of 1885, to all whom it may concern.

A plan of the land may be inspected in the office of the Land Acquisition Officer, Ranchi.”

8. We have also perused the map showing the reference of the plot no. 1585P which is in the middle of the acquired land for the purpose of construction of aforesaid building.

9. It is evident from the gazette notification that the plot no.1585P has been acquired having its part in the North, South, East and West and it has been shown to be acquired by virtue of the aforesaid gazette notification.

10. This Court deems it fit and proper to reproduce the scanned copy of the map hereinbelow for ready reference:



11. Learned senior counsel has submitted that the applicant is having title over the land in question based upon the khatiyani of the year 1932 and the rent receipts said to be issued in the year 2019 but the learned senior counsel when confronted with the question that how can he establish the title on the basis of the khatiyani of the year 1932 when the acquisition of the land has been done in the year 1964-65 as would be evident from the gazette notification as referred above.

12. This Court has also confronted with the question that merely on the basis of the rent receipt and the holding number, how the title can be claimed.

13. No reply has come forth on the aforesaid queries.

14. This Court has also confronted the learned senior counsel with the gazette notification and the map which have been appended with the instant interlocutory application in order to make out a prima facie case but both the documents, as per the discussion made hereinabove, is not supporting the case of the applicant.

15. This Court has passed order in the pretext of the fact that acres of land have been encroached upon inside the premises of Rajendra Institute of Medical Science. For ready reference, the relevant paragraphs of the said order passed on 03.12.2025 are being referred as under:

“5. As observed above, the RIMS has been established pursuant to an Act and structures thereupon belonging to the RIMS are over the land that was lawfully acquired. Any other structure, which is not belonging to the RIMS, essentially, therefore, has to be considered to be an encroachment. There cannot be a lawful ownership or any other claim of person or authority over the land belonging to the RIMS, especially within the precincts of RIMS.

6. We, therefore, deem it appropriate to grant 72 hours to the encroachers who are squatting over the land or building(s) of the RIMS, to remove their belongings and hand over peaceful possession of the land to the RIMS, failing which, the District Administration shall take all necessary steps of evicting the encroachers and report compliance within one week.

7. The Senior Superintendent of Police, Ranchi shall ensure adequate deployment of police force so as to thwart any untoward incidence.

8. Any person(s) or authority creating any hindrance or obstructing the Administration from carrying out the eviction, in addition to other lawful steps that shall be taken against such person(s)/authority, shall be guilty of having committed deliberate and willful contempt of the order of the Court.

9. Let a copy of the report of Member Secretary, JHALSA, be supplied to the State as well as the RIMS.

10. The other reports submitted by the Member Secretary shall be considered on the next date of hearing.

11. The State will make adequate publicity of the order passed by this Court so as to facilitate the encroachers to remove their belongings within the stipulated time.

12. No Court other than this Court shall entertain any claim arising out of or connected with this order. ...”

16. The administration is proceeding to remove the encroachers from the encroached land and in the aforesaid backdrop, the instant interlocutory application has been filed.

17. This Court is of the view that the documents, upon which the reliance has been placed, does not establish any prima facie case regarding the title of the applicant over the land in question and further it is evident from the gazette notification dated 27.09.1963 that the land has already been acquired for the purpose of construction of the Hostel Building of House Physicians, hence, this Court is of the view that the present interlocutory application lacks merit.

18. Accordingly, the instant interlocutory application stands dismissed.”

11. It needs to refer herein that the order dated 03.12.2025 as also the order dated 09.12.2025 have been challenged before the Hon’ble Apex Court by filing special leave petition being Special Leave Petition (Civil) Diary No(s). 71607 of 2025 but the Hon’ble Apex Court has refused to interfere with the said orders vide order dated 12.12.2025. For ready reference, the order passed by the Hon’ble Apex Court is being referred as under:

“UPON hearing the counsel the Court made the following

O R D E R

1. Heard learned counsel for the petitioner(s).

2. We are not inclined to interfere with the impugned judgment(s) and order(s) of the High Court; hence, the special leave petitions are dismissed.

3. Pending application(s), if any, shall stand disposed of.”

12. It needs to refer herein that several interlocutory applications were filed being I.A. Nos. 16363 of 2025; 16632 of 2025; 16662 of 2025; 16666 of 2025; 16667 of 2025; 16669 of 2025; 16674 of 2025; 16675 of 2025; 16673 of 2025; 16670 of 2025; 16671 of 2025; 16665 of 2025 for intervention and modification of the order dated 03.12.2025 and by hearing the parties at length and appreciating the argument so advanced on their behalf, had passed the order on 11.12.2025 by dismissing all the

aforesaid interlocutory applications. For ready reference, the order dated 11.12.2025 is being referred as under:

“I.A. No. 16363 of 2025; I.A. No. 16632 of 2025; I.A. No. 16662 of 2025; I.A. No. 16666 of 2025; I.A. No. 16667 of 2025; I.A. No. 16669 of 2025; I.A. No. 16674 of 2025; I.A. No. 16675 of 2025; I.A. No. 16673 of 2025; I.A. No. 16670 of 2025; I.A. No. 16671 of 2025; I.A. No. 16665 of 2025.

1. The instant interlocutory applications have been filed by the applicants praying therein to be added as a party respondent in this public interest litigation in the pretext of the order dated 03.12.2025 passed by this Court to remove the encroachment within 72 hours from the land which has been acquired by the RIMS.

2. The instant interlocutory applications have been filed by different persons being represented by Mr. Ajit Kumar, learned senior counsel by taking the following grounds:

(i) It has been prayed to pass positive order as prayed in these interlocutory applications;

(ii) It has been contended that the applicants are the original owner of the landed property purchased inside the acquired land for the RIMS and in order to support his argument, the documents like the sale deed; non-incumbrance certificate; revenue receipts and sanction of the map have been appended on behalf of one or the other applicants.

(iii) It has been submitted that the aforesaid documents do establish the title over the land in question and as such, removing the applicants from the property in question cannot be said to be justified as per the encroachment drive undertaken in pursuance of the order dated 03.12.2025.

(iv) Learned senior counsel has also taken the ground that the case is only of declaration under Section 6 of the Land Acquisition Act, 1894, as such, the same cannot be considered to be the acquisition in the eyes of law.

3. Mr. Sachin Kumar, learned AAG-II has submitted on the strength of the land record pertaining to the land acquisition that the lands have been acquired in pursuance of the land acquisition proceeding being Land Acquisition Case No. 76 of 1964-65 and the compensation has already been paid in favour of the predecessor in interest of one or the other applicants.

4. It has been contended by referring to the map of the acquired land that all the lands which are being claimed by way of title by one or the other applicants is in the middle/periphery of the acquired land for the purpose of establishment of RIMS and as such, merely because the documents have been issued by the revenue authorities, the applicants cannot have any claim over the land in question that too in the acquired land of a Medical Institute which is also a College and further hostel had also been constructed where girl students reside.

5. It has also been contended that the amount of compensation since has already been paid as per the original record available and as such, the claim of one or the other applicants is not fit to be considered.

6. Mr. Sachin Kumar, learned AAG-II has submitted that even accepting that the possession of the land in question is still with the applicants who are the legal heirs of the predecessor in interest or are the subsequent purchasers, but in view of Section 24(2) of the Land Acquisition Act, 2013, it cannot be said that the acquisition has not been given effect to since the amount of compensation has already been paid.

7. We have heard the learned counsel for the parties and gone through the statement made in the instant interlocutory applications as also the documents appended thereto.

8. Before proceeding to appreciate the arguments advanced on behalf of the parties, it needs to refer herein that this Court has taken suo motu cognizance of the issue for the purpose of improving the internal management in the on-going system of the hospital.

9. This Court has also taken into consideration regarding the ill behaviour and the event of sexual harassment against the resident doctors or the girl students who are residing in the hostel situated in the premises of RIMS.

10. This Court, considering the aforesaid issue, had directed the learned Member Secretary, JHALSA vide order dated 20.11.2025 to conduct an inquiry on the issue of RIMS as to how is the situation of the RIMS which is the only super specialty hospital in the State of Jharkhand to take care of the poor people. For ready reference, the relevant paragraphs of the said order is being reproduced as under:

“... 6. In order to adjudge the correctness and the veracity of the affidavits that have been filed by the RIMS and the State Government respectively, we appoint the Member Secretary, JHALSA, who shall submit a report within one week from today.

7. In addition thereto, the Member Secretary, JHALSA shall also furnish a report with regard to (i) cleanliness, (ii) availability of blankets, (iii) medicines, (iv) pathological facilities, (v) adequacy/inadequacy of medical equipments, (vi) overall hygiene of the hospital, (vii) availability of drinking water, (viii) blankets, pillows and bed-sheets for the patients, (ix) quality of the food served for the patients as well as the attendants in the canteens and cafeterias in the hospital and maintenance of attendance through biometrics. The Member Secretary, JHALSA shall especially visit the trauma and the cardiac centers of the hospital. Specific report regarding encroachment of the RIMS premises shall also be furnished within a period of 10 days from today. The State authorities are directed to extend all necessary facilities and cooperation to the Member Secretary, JHALSA and the RIMS also so as to enable her to submit a report. ...”

11. Learned Member Secretary, JHALSA had conducted the inquiry and submitted the report on the issue of lack of basic amenities which is required to be provided to the patients as also flagged the issue of equipment and the basic necessary materials which is to be used for the purpose of nursing of the patients and in addition thereto, report has also been submitted regarding the encroachment. In short, the same is being referred as under:

“Report prepared in the light of order dated 20.11.2025 of Hon'ble High Court of Jharkhand in WP (PIL) No. 4736 of 2018.

Hon'ble High Court of Jharkhand has been pleased to direct inter alia that:

"Para7... Specific Report regarding encroachment of the RIMS Premises shall also be furnished within a period of 10 days from today..."

In compliance of Order of Hon'ble High Court of Jharkhand, undersigned has visited and inspected entire RIMS premises on 26.11.25 and 27.11.25, in presence of Estate Officers and Medical Superintendent of RIMS, Circle Officer, Ameen and other staffs of Badgai Anchal.

Circle Officer Badgai has submitted a map of RIMS (acquired area), in which he has shown the entire area of acquired land by RIMS and land encroached (in red ink) through the map. He has also shown the details of land in the map. The land was situated in four Mauza namely:

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Undersigned has further interacted and enquired the matter with representatives of RIMS administration as well as District Administration regarding encroachment and thereafter physically verified several spots, where land of RIMS was encroached.

1. Encroachment in front of old emergency gate of RIMS

Undersigned has found that one temple was constructed at the premises of RIMS and even 1" floor above the aforesaid temple was being constructed. Besides that almost 10-20 shops were in existence and are running near the temple within the premises of RIMS. Further, at the side of OPD almost hundreds of street vendors have also temporarily established their carts (thelas), thereby restricting the mobility of the emergency vehicle such as ambulance to even pass from that road. It has been submitted by the Representative of RIMS that no place of parking is designated within the campus. However undersigned has found some signage denoting no parking area but many vehicles were parked in those areas restricting the passage/road within the campus. Even in case of emergency, it affects the mobility of ambulance, which can create instant life threat to the patients.

2. Encroachment at DIG ground (commonly named by the villagers)

Undersigned has further visited and inspected the 2nd place which was generally named by the villagers as DIG ground and found that a park was constructed at the RIMS premises, which was named as Buddha Park. 3-4 multistoried buildings were also constructed within the acquired area of RIMS. Beside this park, one field about 150x350 ft was also found encroached. The surrounding of the said field was fenced, where agricultural work was being done. During enquiry it has been disclosed that the piece of land was illegally occupied by DIG Saheb

One PCC road has also been constructed within the campus. It has also been found that one statue of Birsa Munda has been set up along with one stage in the middle of the ground. One Apartment has also been constructed near the DIG ground and the flats therein have been sold without valid paper

More than 150 kuchha houses/pucca houses were also constructed near the aforesaid ground. All these constructions are over the RIMS acquired land.

On enquiry, the representative of RIMS administration, has submitted that several warnings were also given to these persons, but they constructed these permanent structures as well as kachcha makan beside DOG ground. He has also submitted that RIMS has not filed any FIR in this regard. He further submitted that local people have broken the boundary wall and use the RIMS land as passage. It also came to knowledge that many of the plots which are the part of acquired land of RIMS were sold and mutated in the name of private person. Though CO Office could not specify the name of those people.

Representatives of District Administration have submitted that notices have also been issued to the persons who have encroached the land but they are not vacating it.

3. Encroachment at North Campus at RIMS (Adjacent places near four lane road called Bariatu Road)

Undersigned has further visited the place which was adjacent to the Bariatu road and found that 2 temples were in existence and one more temple is under construction within the acquired land of RIMS. One temporary construction was also made at the backside of the temple. Total area encroached there is about 5000 sq.m.

On enquiry, it has been submitted by the RIMS administration that they have tried to stop the construction of 3rd temple at the RIMS campus, but administration is not cooperating.

Further, about 25 temporary constructions over RIMS acquired land in North Campus was also found and old buildings (Quarter) of doctors are also illegally occupied by some locals and staff of cleaning agency. RIMS administration stated in this regard that local police station is not cooperating to vacate these quarters.

It also came into knowledge that at many places the local people had broken the boundary of RIMS and uses it as unauthorized passage.

4. Encroachment near Girls' hostel situated at North Campus

Undersigned has further visited and inspected the encroached area which was situated near girls hostel of RIMS and found that boundary wall was broken. One PCC road was constructed by the government within the acquired area of RIMS. 20-30 temporary illegal constructions were found there. Some small shops were also constructed there illegally.

On enquiry, RIMS administration submitted that due to broken boundary wall, encroachments are increasing and there is issue of safety and security of girl students of hostel. Incident of theft are also happening. They have also submitted that 15ft. outer circle road of the RIMS campus was made available for the common people but new PCC roads are being regularly constructed within the middle of the campus.

CONCLUDING REMARKS

The inspection established that RIMS continues to suffer from multiple unauthorized encroachments affecting its functioning and despite repeated notices and warning, no comprehensive steps have been taken by the District Administration, even RIMS administration has not filed single FIR in the matter.

- *Encroachments in the form of temples, shops, common building, schools, sarna sthal, park, residential structures, and other constructions obstruct essential hospital services.*
- *These structures contribute to congestion, hygiene failures, and serious safety hazards within the campus.*
- *The RIMS administration as well as District Administration have not implemented a time-bound or coordinated plan for eviction and removal of encroachment.*
- *The continuing encroachment reflects systemic administrative lapses and lack of accountability.*
- *Immediate joint action is necessary to comply with the Hon'ble High Court's orders.*

Undersigned is annexing herewith map produced by CO Office (land of RIMS highlighted in sea blue ink) and RIMS Administration separately. Both the maps highlight the encroached area in red ink. Besides the area marked in red ink, undersigned has also highlighted additional encroached area, in neon colour ink, found during physical inspection.

*Sd/-
(Kumari Ranjana Asthana)
Member Secretary”*

12. *This Court, after going through the said report, had passed the order on 03.12.2025 directing the District Administration to remove the encroachment within 72 hours. The said drive has been started but, in the meanwhile, the applicants have appeared by filing the instant interlocutory applications.*

13. *This Court also needs to refer herein that prior to filing of the present interlocutory applications, one another interlocutory application I.A. No.16396 of 2025 was filed which we have dealt with by passing the following order:*

“I.A. No. 16396 of 2025:

1. *The instant interlocutory application has been filed for the following reliefs:*

“That by way of this application the intervenor/applicant seeks leave of this Hon’ble Court to be added as a party respondent in this public interest litigation and for modification of the order dated 03.12.2025 to the extent that an Estate Officer may be appointed for adjudicating the claims of the petitioner and other raiyats who are not encroachers but despite that notice of eviction has been issued.”

2. *Learned senior counsel appearing for the applicant has submitted that applicant is the original owner of the land in question and in support of his argument, he has relied upon the Khatiyani of the year 1932 along with rent receipts and the holding number issued by the Ranchi Municipal Corporation.*

3. *Learned senior counsel, based upon the aforesaid ground, has submitted that even though the title lies with the applicant but in pursuance of the order passed by this Court, the construction is being sought to be demolished, therefore, the present interlocutory application.*

4. *This Court, in order to give opportunity to the applicant who is being represented by the learned senior counsel so as to make out a prima facie case to establish the title, has posted these cases today on being motion made by the learned senior counsel for the applicant and thereby, the case has been listed today by notifying the constitution of Special Bench.*

5. *The documents like the extract of the copy of khatiyani of the year 1932, Gazette notification of acquisition of land in question which has been acquired in the year 1964-65 in pursuance of the proceeding initiated being Land Acquisition Case No. 76 of 1964-65 and the map have been appended with the instant interlocutory application which is the basis to claim the title over the land in question.*

6. *This Court has gone through the aforesaid documents in detail to assess the claim of the applicant over the land in question as is being claimed on behalf of the applicant.*

7. *The admitted fact is that the part of the land in question has been acquired and for the aforesaid purpose, gazette notification was issued on 27.09.1963 showing therein the details of the land which*

had been acquired for the purpose of construction of Hostel Building of House Physicians. The details as available in the gazette notification is being referred as under:

“OFFICE OF THE DEPUTY COMMISSIONER, RANCHI.

DECLARATION

The 27th September, 1963

No. 2249-R.L.A.—Whereas it appears to the Deputy Commissioner, Ranchi that land is required to be taken by Government at the public expense for a public purpose, viz., for construction of Hostel Building of House Physicians in the villages of Murabadi no.192 and Koker no. 196 zila Ranchi, it is hereby declared that for the above purpose piece of land measuring, more or less 28.06 acres bounded on the –

VILLAGE MURABADI No. 192

Block ‘A’

North—By S.I. nos, 1568, 1570, 1592, 1581, 1500, 1580, 1692, 1693, 1694, 1585p and 1587p.

South—By nos. 1694, 1697, 1700, 1701, 1702, 1585p and 1587p,

East—By nos. 1693, 1694p and boundary line of village Kokar nos. 196, 1587p and 1585p.

West—By nos. 1694p. 1579p, 1577, 1576, 1572p and 1585p.

Block ‘B’

North—By S. P. 1621, 1622, and 1623, 1683p,

South—By boundary line of village Kokar no. 196.

East—By S. P. nos. 1683p and 1681,

West—By S. P. nos. 1690p, 1689p and 1688p.

VILLAGE KOKAR No. 196

Block ‘A’

North and West—By boundary line of village Murabadi no. 192,

South—By S. P. nos. 11, 14, 15 and 16,

East—By S. P. nos. 3p and 4,

Block ‘B’

North—By S. P. nos. 16, 18, 14p and 11p,

South—By S. P. nos. 21p, 22p and 23p,

East—By S. P. nos. 10, 53, 21p, 22p and 36p,

West—By boundary line of village Murabadi no. 192,

is required within the aforesaid villages of Murabadi and Kokar.

Mines of coal, iron-stone, slate or other minerals lying under the land or any particular portion of the land, except only such parts of the mines and minerals as it may be necessary to dig, or carry away, or use in the construction of the work for the purpose of which the land is being acquired are not needed.

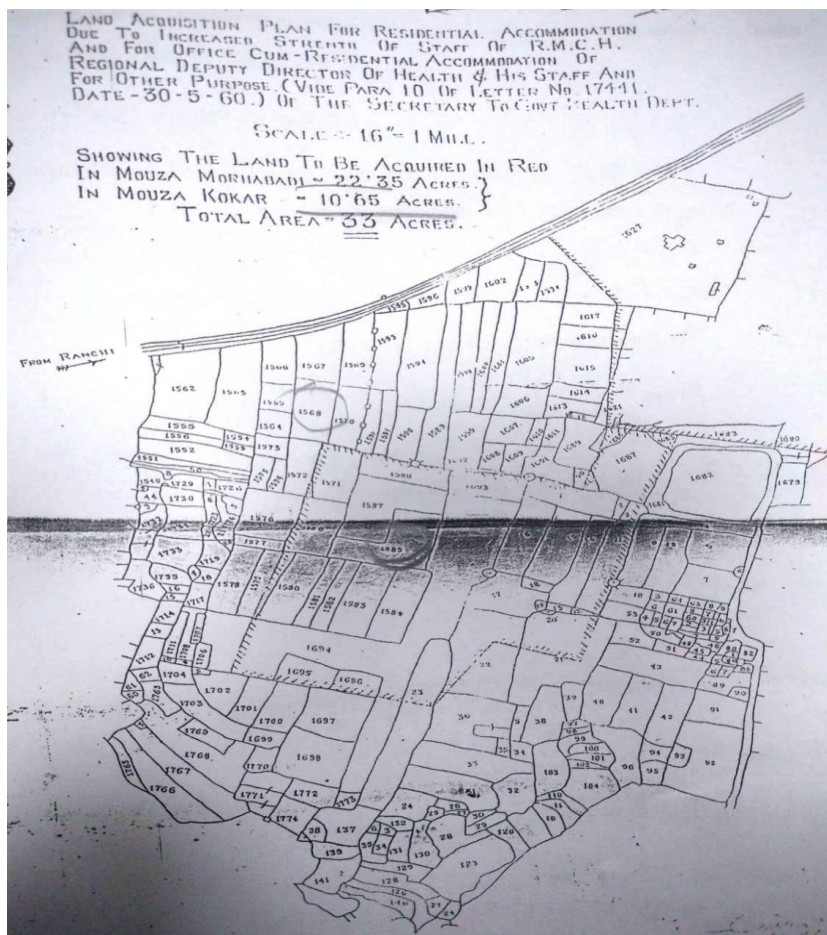
This declaration is made, under the provisions of section 6 of Act I of 1894 and section 3, clause (1) of Act XVIII of 1885, to all whom it may concern.

A plan of the land may be inspected in the office of the Land Acquisition Officer, Ranchi.”

8. We have also perused the map showing the reference of the plot no. 1585P which is in the middle of the acquired land for the purpose of construction of aforesaid building.

9. It is evident from the gazette notification that the plot no.1585P has been acquired having its part in the North, South, East and West and it has been shown to be acquired by virtue of the aforesaid gazette notification.

10. This Court deems it fit and proper to reproduce the scanned copy of the map hereinbelow for ready reference:



11. Learned senior counsel has submitted that the applicant is having title over the land in question based upon the khatiyani of the year 1932 and the rent receipts said to be issued in the year 2019 but the learned senior counsel when confronted with the question that how can he establish the title on the basis of the khatiyani of the year 1932 when the acquisition of the land has been done in the year 1964-65 as would be evident from the gazette notification as referred above.

12. This Court has also confronted with the question that merely on the basis of the rent receipt and the holding number, how the title can be claimed.

13. No reply has come forth on the aforesaid queries.

14. This Court has also confronted the learned senior counsel with the gazette notification and the map which have been appended with the instant interlocutory application in order to make out a prima facie case but both the documents, as per the discussion made hereinabove, is not supporting the case of the applicant.

15. This Court has passed order in the pretext of the fact that acres of land have been encroached upon inside the premises of Rajendra Institute of Medical Science. For ready reference, the relevant paragraphs of the said order passed on 03.12.2025 are being referred as under:

“5. As observed above, the RIMS has been established pursuant to an Act and structures thereupon belonging to the RIMS are over the land that was lawfully acquired. Any other structure, which is not belonging to the RIMS, essentially, therefore, has to be considered to be an encroachment. There cannot be a lawful ownership or any other claim of person or authority over the land belonging to the RIMS, especially within the precincts of RIMS.

6. We, therefore, deem it appropriate to grant 72 hours to the encroachers who are squatting over the land or building(s) of the RIMS, to remove their belongings and hand over peaceful possession of the land to the RIMS, failing which, the District Administration shall take all necessary steps of evicting the encroachers and report compliance within one week.

7. *The Senior Superintendent of Police, Ranchi shall ensure adequate deployment of police force so as to thwart any untoward incidence.*

8. *Any person(s) or authority creating any hindrance or obstructing the Administration from carrying out the eviction, in addition to other lawful steps that shall be taken against such person(s)/authority, shall be guilty of having committed deliberate and willful contempt of the order of the Court.*

9. *Let a copy of the report of Member Secretary, JHALSA, be supplied to the State as well as the RIMS.*

10. *The other reports submitted by the Member Secretary shall be considered on the next date of hearing.*

11. *The State will make adequate publicity of the order passed by this Court so as to facilitate the encroachers to remove their belongings within the stipulated time.*

12. *No Court other than this Court shall entertain any claim arising out of or connected with this order. ...”*

16. *The administration is proceeding to remove the encroachers from the encroached land and in the aforesaid backdrop, the instant interlocutory application has been filed.*

17. *This Court is of the view that the documents, upon which the reliance has been placed, does not establish any prima facie case regarding the title of the applicant over the land in question and further it is evident from the gazette notification dated 27.09.1963 that the land has already been acquired for the purpose of construction of the Hostel Building of House Physicians, hence, this Court is of the view that the present interlocutory application lacks merit.*

18. *Accordingly, the instant interlocutory application stands dismissed.”*

18. *This Court, in order to provide adequate opportunity to the parties, has heard the learned counsel for the parties at length.*

19. *This Court in order to appreciate the argument regarding the issue of title which is being claimed by one or the other applicants has called upon the Deputy Commissioner, Ranchi along with original records pertaining to land acquisition proceeding. The Deputy Commissioner, Ranchi has appeared along with the original records.*

20. *One or the other applicants, by filing the instant interlocutory applications, are claiming title over the following plots:*

- (i) *Plot No.11 [I.A. No. 16363 of 2025];*
- (ii) *Plot No.1693 [I.A. No. 16632 of 2025];*
- (iii) *Plot No. 11 [I.A. No. 16662 of 2025];*
- (iv) *Plot No. 11 [I.A. No. 16666 of 2025];*
- (v) *Plot No. 11 [I.A. No. 16667 of 2025];*
- (vi) *Plot No. 11 [I.A. No. 16669 of 2025];*
- (vii) *Plot No. 11 [I.A. No. 16674 of 2025];*
- (viii) *Plot No. 11 [I.A. No. 16675 of 2025];*
- (ix) *Plot No. 11 [I.A. No. 16673 of 2025];*
- (x) *Plot No. 11 [I.A. No. 16670 of 2025];*
- (xi) *Plot No. 11 [I.A. No. 16671 of 2025];*
- (xii) *Plot No. 11 [I.A. No. 16665 of 2025].*

21. *This Court in order to ascertain as to whether the lands which are being claimed by the applicants as the title holder has been acquired or not and whether the acquisition had only gone to the stage of Section 6 of the Land Acquisition Act, 1894.*

22. Section 6 of the Act, 1894 is on the issue of declaration for knowing the people at large that a particular piece of land is required for a particular purpose.
23. We have also called upon the map showing the reference of the plot numbers which have been acquired in the land acquisition proceeding.
24. It is evident from the map that the plot nos. 11 & 1693 finds mention in the middle/periphery of the acquired land.
25. This Court in order to ascertain as to whether the predecessor in interest of one or the other applicants of the aforesaid plots have got the compensation or not, has considered the same from the original records making reference of the amount paid in favour of one or the other original claimants.
26. This Court has found that all the predecessor in interest of the applicants herein who are claiming title over the land in question, have got the amount of compensation.
27. The question has been raised regarding the applicability of Section 24(2) of the Act, 2013 on the ground that these applicants are still in possession of the land in question, as such, one of the conditions of possession over the land in question will be covered under the fold of Section 24(2) of the Act, 2013 but we are not in agreement with such submission reason being that the applicability of Section 24(2) of the Act, 2013 has already been decided by the Constitution Bench of the Hon'ble Supreme Court in the case of **Indore Development Authority Vs. Manoharlal & Others [(2020) 8 SCC 129]** wherein the larger Bench of the Hon'ble Apex Court while considering the implication of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, a consideration has been given therein that the word 'conjunctive' or 'disjunctive' is to be considered on the basis of the very object and intent of the statutory provision. Section 24 (2) of the Act, 2013 is the saving clause in order to deal with the situation that on the basis of the repealment of the Land Acquisition Act, 1894 and if the amount of compensation or possession has not been taken, how to deal with such situation. Section 24(2) of the Act, 2013 has been inserted in the statute book after repealment of the Act, 1894.
28. The issue was there having the difference of opinion of the different Benches of the Hon'ble Apex Court that 'or' means either the possession or the compensation, either of one of such condition will not be fulfilled, then the acquisition process which was initiated by virtue of the Act, 1894 will be treated to be under the New Act of 2013.
29. But the Hon'ble Apex Court subsequent thereto has referred the matter before the larger Bench and the issue has been set at rest that 'or' word will be read out as conjunctive or not disjunctive. Meaning thereby either the compensation or the possession any of them is available then the proceeding initiated by virtue of old Act, 1894 will be said to be concluded and same will not be shifted under the fold of the Act of 2013.
30. The main reason for coming to such conclusion as would be evident from the aforesaid judgment is that the very object of the Act, 1894 is to acquire the land for the public purposes, but simultaneously the amount of compensation is to be paid and the possession is to be taken.
31. The very purpose of the Act of 1894 was to acquire the land for the public purposes, but the requirement was under the aforesaid Act to compensate the displaced person and once the amount has been paid, but not accepted, rather, it was deposited in the treasury of the concerned bank account then the same will not be counted as a condition that the amount for compensation has not been accepted.

32. Further, reason for coming to such conclusion as is evident from the aforesaid judgment that if a person from whose possession land is being acquired, he at all if agreed then the mechanism has been provided under the old Act as also the New Act for making application by way of reference for enhancement of compensation, but in no case without accepting the money, if deposited in the treasury or in the account, the ground cannot be taken that the money has not been accepted, so paid by way of compensation, otherwise the very object and purport of that will not be followed, which is primarily for acquisition of land for the public purposes. For ready reference, the relevant paragraphs of the said judgment are being referred as under:

“97. Section 24(2) carves out an exception to Section 24(1)(b), where the award has been passed, and the proceedings are pending, but in such proceedings, physical possession of the land has not been taken, or compensation has not been paid, proceedings shall lapse. There are twin requirements for the lapse; firstly, physical possession has not been taken and, secondly, compensation has not been paid. In case, possession has been taken but compensation has been paid, there is no lapse of the proceedings. The question which is to be decided is whether the conditions are cumulative i.e. both are to be fulfilled, for lapsing of acquisition proceedings, or the conditions are in the alternative (“either/or”). According to the State and acquiring agencies, in a situation where possession has been taken, and compensation is not paid, there is no lapse : also in case where compensation has been paid, but possession not taken in a proceeding pending as on 1-1-2014, there is no lapse. Sine qua non is that proceeding must be pending. They argue that the word “or” used in phrase “the physical possession of the land has been not taken, or the compensation has not been paid”, has to be interpreted as “and” as two negative requirements qualify it. Furthermore, argues the State when two negative conditions are connected by “or”, they are construed as cumulative, the word “or” is to be read as “nor” or “and”. Naturally, the landowners argue to the contrary i.e. that lapse of acquisition occurred if compensation were not paid, or possession were not taken, 5 years before the coming into force of the 2013 Act.

98. It would be useful to notice rules of statutory interpretation in this regard. Principles of Statutory Interpretation (14th Edn.) by Justice G.P. Singh, speaks of the following general rule of statutory interpretation of positive and negative conditions whenever prescribed by a statute: “... Speaking generally, a distinction may be made between positive and negative conditions prescribed by a statute for acquiring a right or benefit. Positive conditions separated by “or” are read in the alternative [Star Co. Ltd. v. CIT, (1970) 3 SCC 864 : AIR 1970 SC 1559] but negative conditions connected by “or” are construed as cumulative and “or” is read as “nor” or “and” [Patel Chunibhai Dajibha v. Narayanrao Khanderao Jambekar, (1965) 2 SCR 328 : AIR 1965 SC 1457; Punjab Produce & Trading Co. Ltd. v. CIT, (1971) 2 SCC 540; Brown & Co. Ltd. v. Harrison, 1927 All ER Rep 195, 203, 204 (CA)] .”

The above rule of statutory interpretation is based upon the decision of this Court in Patel Chunibhai Dajibha v. Narayanrao Khanderao Jambekar [Patel Chunibhai Dajibha v. Narayanrao Khanderao Jambekar, AIR 1965 SC 1457] , in which this Court held : (AIR pp. 1464-65, para 19).

“19. It may be recalled that amendments to Section 32 were made from time to time, and Bombay Act 38 of 1957 added to sub-section (1)(b), clause (iii) and the preceding “or”. It is to be noticed that the conditions mentioned in sub-sections (1)(a) and (1)(b) are mutually

exclusive. In spite of the absence of the word “or” between sub-sections (1)(a) and (1)(b), the two subsections lay down alternative conditions. The tenant must be deemed to have purchased the land if he satisfies either of the two conditions. The appellant is not a permanent tenant, and does not satisfy the condition mentioned in sub-section (1)(a). Though not a permanent tenant, he cultivated the lands leased personally, and, therefore, satisfies the first part of the condition specified in sub-section (1)(b). The appellant's contention is that subsections (1)(b)(i), (1)(b)(ii) and (1)(b)(iii) lay down alternative conditions, and as he satisfies the condition mentioned in sub-section (1)(b)(iii), he must be deemed to have purchased the land on 1-4-1957. Colour is lent to this argument by the word “or” appearing between sub-section (1)(b)(ii) and sub-section (1)(b)(iii). But, we think that the word “or” between sub-sections (1)(b)(ii) and (1)(b)(iii) in conjunction with the succeeding negatives is equivalent to and should be read as “nor”. In other words, a tenant (other than a permanent tenant) cultivating the lands personally would become the purchaser of the lands on 1-4-1957, if on that date neither an application under Section 29 read with Section 31 nor an application under Section 29 read with Section 14 was pending. If an application either under Section 29 read with Section 31 or under Section 29 read with Section 14 was pending 1-4-1957, the tenant would become the purchaser on “the postponed date”, that is to say, when the application would be finally rejected. But if the application be finally allowed, the tenant would not become the purchaser. The expression “an application” in the proviso means not only an application under Section 31 but also an application under Section 29 read with Section 14. If an application of either type was pending on 1-4-1957, the tenant could not become the purchaser on that date. Now, on 1-4-1957, the application filed by Respondent 1 under Section 29 read with Section 31 was pending. Consequently, the appellant could not be deemed to have purchased the lands on 1-4-1957.”

(emphasis supplied)

The decision of this Court in *Punjab Produce & Trading Co. Ltd. v. CIT* [*Punjab Produce & Trading Co. Ltd. v. CIT*, (1971) 2 SCC 540], was relied upon in the discussion mentioned above, where provisions of Section 23-A of the Income Tax Act, 1922 and Explanations (b)(ii) and (iii) came up for consideration. This Court ruled with respect to “or” and held that it had to be read as “and” construing negative conditions thus : (SCC pp. 543-44, paras 7-8)

“7. On behalf of the assessee a good deal of reliance has been placed on decision of this Court in *Star Co. Ltd. v. CIT* [*Star Co. Ltd. v. CIT*, (1970) 3 SCC 864 : AIR 1970 SC 1559]. In that case, sub-clause (b)(ii) came up for consideration, and it was held that the two parts of the Explanation contained in that sub-clause were alternative. In other words, if one part was satisfied it was unnecessary to consider whether the second part was also satisfied. Thus, the word “or” was treated as having been used disjunctively and not conjunctively. The same reasoning is sought to be invoked with reference to sub-clause (b)(iii).

8. It is significant that the language of sub-clauses (ii) and (iii) of clause (b) is different. The former relates to a positive state of affairs whereas the latter lays down negative conditions. The word “or” is often used to express an alternative of terms defined or explanation of the same thing in different words. Therefore, if either of the two negative conditions which are to be found in sub-clause (b)(iii) remains unfulfilled, the conditions laid down in the entire clause cannot be said to have been satisfied. The clear import of the opening part of clause (b) with the word “and” appearing there read with the negative or

disqualifying conditions in sub-clause (b)(iii) is that the assessee was bound to satisfy apart from the conditions contained in the other subclauses that its affairs were at no time during the previous year controlled by less than six persons and shares carrying more than 50% of the total voting power were during the same period not held by less than six persons. We are unable to find any infirmity in the reasoning or the conclusion of the Tribunal and the High Court so far as Question 1 is concerned.”

It was observed that if either of the two negative conditions, which are to be found in sub-clause (b)(iii), remains unfulfilled, the conditions laid down in the entire clause cannot be said to have been satisfied.

99. *It would also be useful to note that in *Brown & Co. Ltd. v. Harrison* [*Brown & Co. Ltd. v. Harrison*, 1927 All ER Rep 195, 203, 204 (CA)], the provisions contained in the Carriage of Goods by Sea Act, 1924 came up for consideration before the Court of Appeal. The Court held that the word “or” in Article IV, Rule 2(q), must be read conjunctively and not disjunctively. It has been observed that quite commonly collation of the word “or” can be meant in conjunctive sense and certainly where the disjunctive use of the word, leads to repugnance or absurdity.*

100. *In this Court's considered view, as regards the collation of the words used in Section 24(2), two negative conditions have been prescribed. Thus, even if one condition is satisfied, there is no lapse, and this logically flows from the 1894 Act read with the provisions of Section 24 of the 2013 Act. Any other interpretation would entail illogical results. That apart, if the rule of interpretation with respect to two negative conditions qualified by “or” is used, then “or” should be read as “nor” or “and”. *Brown & Co. Ltd. v. Harrison* [*Brown & Co. Ltd. v. Harrison*, 1927 All ER Rep 195, 203, 204 (CA)], ruled thus, about the interpretation of two negative conditions connected by the word “or” : (All ER pp. 203 I-204 B) “...*

I think it quite commonly and grammatically can have a conjunctive sense. It is generally disjunctive, but it may be plain from the collation of the words that it is meant in a conjunctive sense, and certainly where the use of the word as a disjunctive leads to repugnance or absurdity, it is quite within the ordinary principles of construction adopted by the court to give the word a conjunctive use. Here, it is quite plain that the word leads to an absurdity, because the contention put forward by the shipowners in this matter amounts to this, as my Lord said, that, if a shipowner himself breaks open a case and steals the contents of it, he is exempted from liability under Rule 2(q) if none of his servants stole the part of the case or broke it open. That seems to me to be a plain absurdity. In addition to that, there is a repugnancy because it is plainly repugnant to the second part of Rule 2(q). Therefore I say no more about that.”

366.3. *The word “or” used in Section 24(2) between possession and compensation has to be read as “nor” or as “and”. The deemed lapse of land acquisition proceedings under Section 24(2) of the 2013 Act takes place where due to inaction of authorities for five years or more prior to commencement of the said Act, the possession of land has not been taken nor compensation has been paid. In other words, in case possession has been taken, compensation has not been paid then there is no lapse. Similarly, if compensation has been paid, possession has not been taken then there is no lapse.”*

33. *It is, thus, evident from the aforesaid judgment that the amount of compensation since has already been obtained by the predecessor in*

interest of one or the other applicants and as such, the word “or” being disjunctive and due to fulfillment of the condition, i.e., amount of compensation having been received, and the possession even if remains with the raiyats then in such situation, the saving clause as provided under Section 24(2) of the Act, 2013 will not be applicable as the facts of the case herein is.

34. *This Court also needs to refer herein the argument which has been advanced on behalf of Mr. Ajit Kumar, learned senior counsel for the one or the other applicants that the said lands have not been acquired but when the document has been confronted with him then he has taken the ground of applicability of Section 24(2) of the Act, 2013.*

35. *The moment the ground of applicability of Section 24(2) of the Act, 2013 has been taken, then the learned senior counsel is admitting the factum of acquisition of land and therefore, the aid of Section 24(2) of the Act, 2013 is being sought to be taken.*

36. *But, we have already considered on the basis of the proposition laid down by the Constitution Bench of the Hon'ble Supreme Court as referred above that the proposition of Section 24(2) of the Act, 2013 will not be applicable since the amount of compensation admittedly has been received by one or the other predecessor in interest of the present applicants.*

37. *This Court on the basis of the discussion made hereinabove and based upon the appreciation of different documents, which are public documents in view of Section 74 of the Evidence Act and the said documents cannot be rebutted and even has not been rebutted by the learned senior counsel representing one or the other applicants when the original records have been confronted with him.*

38. *The question herein is that when the land has been acquired for the purpose of establishment of Medical College and Hospital and after acquisition, the land is vested upon the State and now the building has also been constructed which is running from the date of acquisition for more than 05 decades then nobody can be allowed to encroach the land inside the acquired land that too in a situation where the hostel is also there for the girl students who are pursuing their MBBS course and higher degrees.*

39. *So many instances have been witnessed regarding the sexual harassment with girl students and if such situation will be allowed to be carried out then the sanctity of the Institute itself will be jeopardized.*

40. *This ground of issuance of notice as has been agitated on behalf of the learned counsel for the applicants is concerned, this Court is of the view that notice for what purpose is to be issued, i.e., if the fact can be disputed by one or the other applicants.*

41. *This Court for the aforesaid purpose and also to assess as to whether inquiry is to be conducted by the authority or not has called for the original records including the map and we have found therefrom that the particular plot numbers which are being claimed to be owned by the applicants, have already been acquired way back in the year 1964-65 and even the compensation had also been paid which is evident from the original records available before this Court, hence, the question is that for what purpose the notice is to be issued if the applicants are not in a position to controvert the said documents.*

42. *Learned senior counsel representing one or the other applicants is claiming for an opportunity of hearing on the basis of subsequent documents, i.e., deed of registration; rent receipts; sanction of map and the permission accorded under Section 46 of the CNT Act as also non-incumbrance certificate but these documents will have no substance to prove the element of title the moment the lands in question have been acquired by the State for the purpose of establishment of RIMS and on that count, the*

amount of compensation has also been received by the predecessor in interest of one or the other applicants.

43. Even if the contention of the learned senior counsel will be accepted then the inquiry will be said to be futile since the applicants will not be in a position to rebut the factum of acquisition of lands upon which they are claiming their title.

44. It requires to refer herein that the law is well settled in this regard that the principle of natural justice cannot be exercised, which is having no straight jacket formula but it is to be followed depending upon the facts of the individual case. The principle is that if the factual aspect is not in dispute and when there is no chance of change in the outcome then for what purpose the principle of natural justice is to be observed. The aforesaid issue has been taken into consideration by the Hon'ble Apex Court in the case of **Escorts Farms Ltd. Vs. Commissioner, Kumaon Division, Nainital, U.P. & others, (2004) 4 SCC 281**, wherein at paragraph no.64 it has been held which reads as under:

“64. Right of hearing to a necessary party is a valuable right. Denial of such right is serious breach of statutory procedure prescribed and violation of rules of natural justice. In these appeals preferred by the holder of lands and some other transferees, we have found that the terms of government grant did not permit transfers of land without permission of the State as grantor. Remand of cases of a group of transferees who were not heard, would, therefore, be of no legal consequence, more so, when on this legal question all affected parties have got full opportunity of hearing before the High Court and in this appeal before this Court. Rules of natural justice are to be followed for doing substantial justice and not for completing a mere ritual of hearing without possibility of any change in the decision of the case on merits. In view of the legal position explained by us above, we therefore, refrain from remanding these cases in exercise of our discretionary powers under Article 136 of the Constitution of India.”

45. In **Dharampal Satyapal Ltd. Vs. Deputy Commissioner of Central Excise, Gauhati and Ors., (2015) 8 SCC 519**, their Lordships have held at paragraph-39 which is being reproduced as under:

“39. We are not concerned with these aspects in the present case as the issue relates to giving of notice before taking action. While emphasizing that the principles of natural justice cannot be applied in straitjacket formula, the aforesaid instances are given. We have highlighted the jurisprudential basis of adhering to the principles of natural justice which are grounded on the doctrine of procedural fairness, accuracy of outcome leading to general social goals, etc. Nevertheless, there may be situations wherein for some reason- perhaps because the evidence against the individual is thought to be utterly compelling- it is felt that a fair hearing “would make no difference”- meaning that a hearing would not change the ultimate conclusion reached by the decision maker.”

46. Further, this Court, after perusing the records made available by the authorities as referred hereinabove, is of the view that these documents have not been brought on record on behalf of the applicants which shows their conduct that they have not approached this Court with clean hands. The writ jurisdiction being the Court of equity, it is expected from the litigant concerned to approach the Court of equity with clean hands by presenting the documents going to the root of the issues. The law in this regard is well settled that if a litigant is coming to the Court invoking the jurisdiction of the Court of equity and if there is suppression of material fact then the writ petition is not to be entertained.

47. It is not in dispute that suppression of all the fact cannot be said to be a ground for dismissal of writ petition save and except if the suppression is material one. Reference in this regard be made to the judgment rendered by the Hon'ble Apex Court in the case of **S.J.S. Business Enterprises (P) Ltd. Vrs. State of Bihar and Others, (2004) 7 SCC 166** wherein it has been held that the suppression of fact must be material one since had it not been suppressed, it would have been had effect on the merit of the case. It must be a matter which was material for consideration of the court, whatever view the court may have taken. Paragraph 13 of the judgment is quoted herein below for ready reference:-

“13. As a general rule, suppression of a material fact by a litigant disqualifies such litigant from obtaining any relief. This rule has been evolved out of the need of the courts to deter a litigant from abusing the process of court by deceiving it. But the suppressed fact must be a material one in the sense that had it not been suppressed it would have had an effect on the merits of the case. It must be a matter which was material for the consideration of the court, whatever view the court may have taken. Thus when the liability to income tax was questioned by an applicant on the ground of her non-residence, the fact that she had purchased and was maintaining a house in the country was held to be a material fact, the suppression of which disentitled her to the relief claimed. Again when in earlier proceedings before this Court, the appellant had undertaken that it would not carry on the manufacture of liquor at its distillery and the proceedings before this Court were concluded on that basis, a subsequent writ petition for renewal of the licence to manufacture liquor at the same distillery before the High Court was held to have been initiated for oblique and ulterior purposes and the interim order passed by the High Court in such subsequent application was set aside by this Court. Similarly, a challenge to an order fixing the price was rejected because the petitioners had suppressed the fact that an agreement had been entered into between the petitioners and the Government relating to the fixation of price and that the impugned order had been replaced by another order.”

48. In another judgment which was rendered by Hon'ble Supreme Court in case of **Arunima Baruah Vrs. Union of India and Others, (2007) 6 SCC 120** material fact has been defined. It has been held by their Lordship at paragraph 12 which is quoted hereinbelow:

“12. It is trite law that so as to enable the court to refuse to exercise its discretionary jurisdiction suppression must be of material fact. What would be a material fact, suppression whereof would disentitle the appellant to obtain a discretionary relief, would depend upon the facts and circumstances of each case. Material fact would mean material for the purpose of determination of the lis, the logical corollary whereof would be that whether the same was material for grant or denial of the relief. If the fact suppressed is not material for determination of the lis between the parties, the court may not refuse to exercise its discretionary jurisdiction. It is also trite that a person invoking the discretionary jurisdiction of the court cannot be allowed to approach it with a pair of dirty hands. But even if the said dirt is removed and the hands became clean, whether the relief would still be denied is the question.”

49. In another judgment rendered by the Hon'ble Apex Court in the case of **K.D. Sharma Vrs. Steel Authorities of India Ltd. reported in (2008) 12 SCC 481**, it has been held at paragraph Nos. 34, 36, 38 and 39 which is being referred as under:

“34. The jurisdiction of the Supreme Court under Article 32 and of the High Court under Article 226 of the Constitution is extraordinary, equitable and

discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the writ court must come with clean hands, put forward all the facts before the court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the court, his petition may be dismissed at the threshold without considering the merits of the claim.

36. A prerogative remedy is not a matter of course. While exercising extraordinary power a writ court would certainly bear in mind the conduct of the party who invokes the jurisdiction of the court. If the applicant makes a false statement or suppresses material fact or attempts to mislead the court, the court may dismiss the action on that ground alone and may refuse to enter into the merits of the case by stating, "We will not listen to your application because of what you have done."

The rule has been evolved in the larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it.

38. The above principles have been accepted in our legal system also. As per settled law, the party who invokes the extraordinary jurisdiction of this Court under Article 32 or of a High Court under Article 226 of the Constitution is supposed to be truthful, frank and open. He must disclose all material facts without any reservation even if they are against him. He cannot be allowed to play "hide and seek" or to "pick and choose" the facts he likes to disclose and to suppress (keep back) or not to disclose (conceal) other facts. The very basis of the writ jurisdiction rests in disclosure of true and complete (correct) facts. If material facts are suppressed or distorted, the very functioning of writ courts and exercise would become impossible. The petitioner must disclose all the facts having a bearing on the relief sought without any qualification. This is because "the court knows law but not facts."

39. If the primary object as highlighted in *Kensington Income Tax Commrs.* is kept in mind, an applicant who does not come with candid facts and "clean breast" cannot hold a writ of the court with "soiled hands". Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, manoeuvring or misrepresentation, which has no place in equitable and prerogative jurisdiction. If the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the court, the court has inherent power in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. If the court does not reject the petition on that ground, the court would be failing in its duty. In fact, such an applicant requires to be dealt with for contempt of court for abusing the process of the court."

50. In another judgment, the Hon'ble Apex Court in the case of **Dalip Singh vs. State of Uttar Pradesh, (2010) 2 SCC 114** has observed as under paragraph-7 which is being referred as under:

"7. In *Prestige Lights Ltd. v. SBI* [(2007) 8 SCC 449] it was held that in exercising power under Article 226 of the Constitution of India the High Court is not just a court of law, but is also a court of equity and a person who invokes the High Court's jurisdiction under Article 226 of the Constitution is duty-bound to place all the facts before the Court without any reservation. If there is suppression of material facts or twisted facts have been placed before the High Court then it will be fully justified in refusing to entertain a petition filed under Article 226 of the Constitution. This Court referred to the judgment of Scrutton, L.J. in *R. v. Kensington Income Tax Commissioners* [(1917) 1 KB 486 (CA)], and observed: (*Prestige Lights Ltd. case* [(2007) 8 SCC 449], SCC p. 462, para 35)

In exercising jurisdiction under Article 226 of the Constitution, the High Court will always keep in mind the conduct of the party who is invoking such jurisdiction. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the court, then the Court may dismiss the action without adjudicating the matter on merits. The rule has been evolved in larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it. The very basis of

the writ jurisdiction rests in disclosure of true, complete and correct facts. If the material facts are not candidly stated or are suppressed or are distorted, the very functioning of the writ courts would become impossible.”

51. *It is thus evident that this Court is to assess as to whether suppression of these facts are material or not and this Court is of the view that since the applicants are claiming title on the basis of the deed/issuance of rent receipt or even the sanction of map without bringing on record the acquisition document pertaining to acquisition in which the predecessor in interest has participated and not only participated rather they have received the amount of compensation.*

52. *The land since has been acquired that has also been admitted by the predecessor in interest after accepting the amount of compensation and as such, the land is vested in the State and hence, there is no question of accrual of title in favour of these applicants on the basis of the documents which has been issued by the revenue authorities.*

53. *This Court, therefore, is of the view that not bringing the said documents on record by the applicants rather the documents have been produced by the authorities is the material suppression on the issue of question of title which is being claimed. Thus, the said suppression is being considered to be material suppression and as such, on this count also, no relief can be granted in favour of the applicants.*

54. *This Court, in view of the aforesaid consideration, is of the view that one or the other applicants have failed to establish the issue of title over the land in question in their favour and in such an admitted case, where, after acquisition of the land, one or the others are having with the illegal possession, then they have to be evicted.*

55. *Considering the same, this Court is of the view that the present interlocutory applications are having no merit, hence, are liable to be dismissed.*

56. *Accordingly, all the present interlocutory applications are, hereby, dismissed.*

57. *This Court is also of the view that the decision which has been taken by the revenue authorities by issuing rent receipts and further the non-incumbrance certificate or even the sanction of map, appropriate order will be passed regarding the culpability of one or the other authorities on the next date of hearing so that such things may not be repeated in future.*

58. *The irregularity of such type is required to be dealt with because it is due to their different orders passed by the authority concerned like issuance of rent receipts or the order of sanction of map, one or the other applicants are trying to create their right in their favour giving go-by to the land having already been acquired way back in the year 1964-65.*

59. *The interlocutory applications being I.A. No. 16675 of 2025; I.A. No. 16673 of 2025; I.A. No. 16670 of 2025; I.A. No. 16671 of 2025; I.A. No. 16665 of 2025 have also been filed for modification of the order dated 03.12.2025 passed by this Court to the extent that an Estate Officer may be appointed for adjudicating the claims of the proposed respondents and other raiyats who are not encroachers but despite that notice of eviction has been issued.*

60. *Since this Court has already expressed its view in all the interlocutory applications filed for intervening in the present public interest litigation by dismissing all the interlocutory application, as such, in consequence of the same, the prayer for modification of the order dated 03.12.2025 also stands rejected.*

61. *Let these cases be listed on 15.12.2025.”*

13. It further needs to refer herein that the order dated 11.12.2025 passed in aforesaid interlocutory applications filed in the present case for intervention and modification of the order dated 03.12.2025 have also been challenged by filing special leave petitions being Special Leave Petitions (Civil) Diary No(s). 71868 of 2025; 71879 of 2025 and; 71880 of 2025 but the Hon'ble Apex Court has refused to interfere with the same vide order dated 17.12.2025, however, liberty has been given to place the facts before the High Court to make appropriate prayer for consideration. For ready reference, the same is being referred as under:

“UPON hearing the counsel the Court made the following

O R D E R

- 1. Permission to file special leave petitions is granted.*
- 2. Order dated 3rd December, 2025 of the Division Bench of the Jharkhand High Court at Ranchi, passed on a Public Interest Litigation, requiring removal of encroachment from the land acquired for RIMS and a subsequent order dated 11th December, 2025 of the same Division Bench rejecting the applications of the three petitioners for intervention are under challenge in all these special petitions. The subsequent order is not part of the special leave petitions but has since been placed on record by the petitioners by filing separate applications.*
- 3. We have heard Mr. D. S. Naidu, learned senior counsel and Mr. Rana Mukherjee, learned senior counsel appearing for the petitioners. It is submitted by them that the respective petitioners are bona fide purchasers of land for value, which are not acquired for the RIMS.*
- 4. Mr. Naidu was also heard to submit, on instructions, that miscellaneous petitions have been filed before the Division Bench seeking modification of the order dated 11th December, 2025 by different sets of intervenors. Their applications for intervention too stood rejected, like the applications of the petitioners. He also informs us, albeit on instructions, that the Division Bench while hearing the PIL yesterday expressed utter displeasure at the officials of the State Government failing to furnish full and correct facts with regard to the acquisition in question.*
- 5. If indeed that be so, any decision on the merits of these special leave petitions could affect the fate of the pending miscellaneous petitions for modification. In such view of the matter, we do not consider it proper at this stage to entertain these special leave petitions. We leave it open to the petitioners to pursue such remedy as is available in law, as they may be advised.*
- 6. The special leave petitions stand disposed of, without expressing any opinion on merits.*
- 7. We also clarify that based on the submission made by Mr. Naidu, which has been recorded in paragraph 6 of the order dated 15th December, 2025, it shall be open to the petitioners represented by him to make an appropriate prayer before the High Court for consideration.*
- 8. Pending application(s), if any, shall also stand disposed of.”*

14. It needs to refer herein that this Court, taking into consideration that the authority/authorities who are at fault in permitting these residents in making constructions over the acquired land of RIMS, had made an observation in the order dated 11.12.2025 that appropriate order will be passed against the illegality committed by one or the other officials so that such thing may not be repeated in future.
15. The administrative authority, in the light of the order passed by this Court, has started removing the encroachment but the question is that how in the first place such construction has been allowed to be there in the acquired land which has been acquired way back in the year 1964-65. Further, the land in some of the cases has also been registered in the name of the subsequent transferee(s) and the revenue record(s) has been manipulated, rent receipt(s) have also been issued as also non-incumbrance certificate(s) has also been issued. Even the building plan(s) has been sanctioned by the Ranchi Municipal Corporation and the same has also been approved by RERA and even the map for the multi-storey building(s) has been sanctioned.
16. This Court to say the least is shocked to note at no stage, any query has been raised regarding the issue of title of the land by the concerned authorities and the land has been allowed to be transferred in favour of one or the other private party even though the land had already been acquired as has been dealt with in the various orders as referred hereinabove.
17. There is no dispute and it otherwise cannot be disputed that while purchasing the land, it is also the duty and accountability of the purchaser to be more vigilant by going through the relevant documents so that they may not come under the clutches of the brokers before investing their hard-earned money.
18. This Court needs to comment herein about the conduct of the district administration including the Revenue Authorities which include the Circle Officers of the concerned circle that circle officers who were in the possession of the entire record but very surprisingly, the Circle Officers of the concerned circle without verifying the said record had

entered the name of the subsequent purchaser(s), even though as per the Bihar Maintenance of Records Act, 1973, the circle officer is the custodian of the record. It is also surprising that the circle officer has placed the record before this Court but while entering the name of the litigant concerned at the relevant time, has not taken care to even consult much less verify the said record.

19. Since the buildings are being demolished of the purchasers of the land or the flat owners situated over the acquired land, who have invested their hard-earned money. The revenue authority or the registering authority or the map sanctioning authority or the authority of RERA who otherwise are duty bound to have been vigilant at the time of either getting the land registered or getting the land mutated or issuance of non-incumbrance certificate or sanction of the map or the question of steps which has been taken by the builders for which the RERA is their but unfortunately none of these functionaries have discharged their duty in proper manner for which they are deputed and have rather made these people suffer due to the demolition of their construction over the acquired Land.
20. The question, therefore, is that if these officials will not be penalized, then, such things will again happen in future and some of the innocent persons may be made to suffer like in the present instance.
21. Notably, even the concerned private/government bank have not followed the due procedure while sanctioning the loan amount for some of the construction, therefore, management of the said banks are hereby directed to do the proper enquiry against its erring officials.
22. This Court is astounded to note as to what the RIMS authority were doing when the buildings were being constructed within the precincts of the RIMS. It is further more surprising to note that the instant public interest litigation is pending since 2018 but at no time even this Court has been informed about the encroachment within the precincts of the RIMS.
23. It is only after the order having been passed by this Court directing the learned Member Secretary, JHALSA to conduct an enquiry with respect to the issue of encroachment and the infrastructure then the learned

Member Secretary, JHALSA by doing the commendable job has reported about the encroachment over 07 acres of land within the precincts of the RIMS as has been taken note in the order dated 03.12.2025. Therefore, the authority of the RIMS is also equally accountable for allowing such rampant encroachment to carry on within the precincts of the RIMS.

24. It requires to refer herein that the issue of culpability of the Ranchi Municipal Corporation has come to surface in the case of ***Har Narain Lakhota vs. The State of Jharkhand and Ors. [W.P.(PIL) No. 1531 of 2011]*** in a situation of sanction of illegal map and various orders have been passed by this Court and particularly vide order dated 22.03.2011 CBI has been directed to conduct investigation regarding the same and for ready reference, the said order is being referred as under:

“In this petition, what has been brought to the notice of this Court that in the earlier passed Maps certain parking space was delineated.

Learned counsel appearing for the Respondent No. 6, submitted that subsequently the R.R.D.A officials have converted that parking place into some other use. This kind of change in Maps can be considered to be lawful only if law permits. This kind of alteration in maps shows, a trend in the mindset of the R.R.D.A officials, which is required to be investigated. This is not the only building that such kind of alteration has been permitted by the R.R.D.A officials. Such cases have been brought to the notice of the Court that there had been many such cases. It has also been brought to the notice of the Court that the authorities have turned a blind eye towards occupation of such buildings which have not only deviated from their sanctioned maps but have not submitted Completion Certificate. Also have no provision for fire-fighting or water storage or rain water harvesting.

In that view of the matter, it is ordered that the matter of alteration of maps and other indicated drawbacks should be investigated as to how and under what circumstances the parking space indicated in the Maps or otherwise delineated facilities have not been provided for. This has to be investigated keeping in view the large scale of multistory Buildings which have come in City without parking space and other facilities. The involvement of the officials, people in high places and Builders and the consideration which has made the illegal happening possible will be required to be looked into.

*This is also pertinent to notice that building plan has to be in conformity with the laws governing the field. The deviations are not only resulting into civil wrongs but are offences under Criminal law as well. Any place which is required to be dedicated to common use if denuded of its character will mean encroachment of the rights of others qualifying to be an offence. **Since the offence as seen could not be committed without the tacit consent of the local officials or the persons in high places it is not considered proper to ask the local agency to investigate and, therefore, the central agency is opted for. Therefore, this investigation would be made by the C.B.I officials and an appropriate FIR in this***

regard would be forwarded by the Registrar of this Court to the Local C.B.I officials.

Put up this Case on 18th April, 2011 awaiting response of the investigating agency.”

25. It is evident from the aforesaid order that the matter had been handed over to the CBI for investigation and the CBI had also submitted report with respect to the culpability of one or the other officials of the Ranchi Municipal Corporation.
26. On similar line, this Court can also handover the investigation to the CBI in the present scenario but, for the present, we are refraining ourself in handing over the investigation to the CBI rather this Court is directing the State Police to institute FIR and investigation be conducted by the Anti-Corruption Bureau against the erring officials.
27. Further, departmental proceeding be also initiated against them who are found to be involved in either registration of the land in the name of the subsequent transferee(s); or manipulation of the revenue record(s), or issuing rent receipt(s) or issuing non-incumbrance certificate(s); or sanctioning the building plan(s)/map(s) as to how the Government Land has been allowed to be transferred in the name of a third party.
28. This Court is also of the view that if these officials would have been vigilant then there would not have been suffering of the people who are now suffering due to the demolition of the illegal construction over the acquired land of the RIMS, i.e., the government acquired land.
29. This Court is also of the view that the residents, whose residences have/are being demolished, are also entitled to be compensated but the question is that why the State Exchequer should be made to bear the expenses of compensating the affected persons due to the illegality committed by the officials of the State, Municipal Corporation etc. etc. and why not the erring officials and the builders who have allowed the construction over the acquired Government Land or constructed the multi-storey building(s).
30. Accordingly, the State is directed to fix accountability on each and every official who is involved in the said mal-practices and adequately compensate the residents/affected persons whose construction(s) have

been demolished which expenses as observed above shall be borne by these erring officials and the builders.

31. Accordingly, post this matter on 06.01.2026.

32. Let the original records be handed over to the concerned authority.

(Tarlok Singh Chauhan, C.J.)

(Sujit Narayan Prasad, J.)

20th December, 2025
Saurabh/-

Uploaded on: 21.12.2025