

(2026) 08 JH CK 3724
In the Jharkhand High Court
Case No : W.P. (C) No. 2975 of 2014

Radha Rani & Ors.

APPELLANT

Vs

The State Of Jharkhand & Ors.

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Constitution of India — Article 226
bye-laws of the Ranchi Regional Development Authority — Clause 5.4

Citation : (2026) 08 JH CK 3724

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Mr. Kirtivardhan, Mr. Yashvardhan, Mr. Ritesh Singh, Mr. Munna Lal Yadav, Mr. Ashok Kumar Singh, Dr. Vandana Singh, Ms. Neha Pandey, Ms. Aliza

Final Decision : Disposed Of

Judgement

18/04.08.2026 Heard learned counsel appearing for the petitioners, learned counsel appearing for the respondent-State and learned counsel appearing for the respondent-Ranchi Municipal Corporation (RMC) and Ranchi Regional Development Authority (RRDA).

2. This writ petition has been filed under Article 226 of the Constitution of India for direction upon the respondents particularly respondent nos.2 to 4 to forthwith look into the matter of construction by the builder (respondent no.7) on the 5th floor of the Vishwanath Apartment in contravention of the rules and bye-laws of the Ranchi Regional Development Authority and to take appropriate action against respondent no.7 and concerned authority and if required to direct the concerned respondents to demolish the aforesaid illegal constructions in 5th floor of the said Vishwanath Apartment. The prayer is also made for direction to stop illegal construction of the building.

3. On 24.09.2024, the Coordinate Bench of this Court has directed the respondents to come prepared upon the issue 'whether the construction has been made as per the approved plan or not'. Time was again granted on

15.01.2026 to respondent nos. 3 and 4 to comply the said direction, however till date, no counter affidavit has been filed in terms of the said two orders.

4. Learned counsel appearing for the petitioners submits that the petitioners are owners and legal heirs of Late Vishwanath who acquired the land under Khata No.1 bearing Survey Plot No.496, Khewat No.2/1, situated in Village- Hesal, P.S. No.202, Devi Mandap Road, Hesal, P.S. Sukhdeo Nagar, District- Ranchi in an area of 93 Kathas by a deed of family arrangement dated 31.05.1976. He submits that Praveen Shankar (since deceased), son of Sri Prem Shankar (allottee of Plot No.496/8) had disposed of his share of about 9 Kathas land to Sri Suresh Sinha. Similarly, 3 Kathas of land of Plot No.496/5 was sold by Sri Prem Shanker to Sri Navin Kumar Ambastha earlier and, hence, out of 93 Kathas land, about 81 Kathas land remained in the possession of the petitioners for which development agreement was made. He further submits that the petitioners had entered into development agreement on 01.11.2001 with M/s Vinayaka and Associates through its partner Sri Narendra Butala for development of land measuring 81 Kathas 7 Chataks 65 Sq.ft., by way of development agreement contained in Annexure-

1. He then submits that after passing of G+3 map, a supplementary agreement was entered into between the petitioners and respondent no.7 on 08.03.2005, whereby, both the parties agreed upon that share of land appearing as 27% in the principal agreement dated 01.11.2001 shall be read as 33.5% which came to 39,623 sq.ft. and, thereafter, it was agreed that if in future G+4 or more built up area will be sanctioned, the owner would be allocated 33.5% of further built up area in the 4th floor or subsequent floors and over any further construction. He next submits that another supplementary agreement was further entered between them in light of Annexure-3. He also submits that respondent no.7 fraudulently and without obtaining consent and signature of the petitioners, got the plan sanctioned for construction of 5th floor of the said building in L.S. Case No.01/07 (B/C). He submits that the said plan has been illegally sanctioned in contravention of the provisions contained in Clause 5.4 of the bye-laws of the Ranchi Regional Development Authority. He further submits that in sanctioning of the said plan, the condition precedent of road etc. have not been taken care of. He next submits that even the construction has been made in common area of the said building, which was also meant for playground for children. In these backgrounds, he submits that appropriate order may kindly be passed.

5. Learned counsel appearing for the respondent-State submits that the Ranchi Regional Development Authority and the Ranchi Municipal Corporation are competent authorities for redressal of the grievance of the petitioners.

6. Learned counsel appearing for the respondent-Ranchi Regional Development Authority and Ranchi Municipal Corporation submits that this matter can be disposed of directing the Administrator of the Ranchi Municipal Corporation to examine the grievance of the petitioners and pass appropriate order as now the Ranchi Municipal Corporation is looking after the map etc. of the city of Ranchi.

7. It transpires from the annexures that the petitioners have already made a complaint before the competent authority contained in Annexure-4, however, no communication has been made to the petitioners that what action has been taken on that complaint.

8. At the first instance, the matter is required to be examined by the Administrator of the Ranchi Municipal Corporation as he is competent to look into the matter and find out illegality, if any, in sanctioning of the map and he is further competent to rectify the illegality if it has been done.

9. In that view of the matter, this writ petition is being disposed of with direction to the petitioners to move before the Administrator of the Ranchi Municipal Corporation within two weeks by filing fresh objection along with the credentials to satisfy the Administrator about the illegality and further the Administrator of the Ranchi Municipal Corporation is directed to examine the issue in question after providing opportunity of hearing to the petitioners and other parties as well and pass appropriate reasoned order within further six weeks thereafter.

10. It is needless to say that if the Administrator is coming to a conclusion that 5th floor has been illegally constructed by the builder, he will not hesitate to take proper action to demolish that part of the illegal construction. There are many instances to that effect and that has been done pursuant to the orders of the Court, suffice to say the case of **Supertech Limited v. Emerald Court Owner Resident Welfare Association**, reported in **(2021) 8 SCC 1**.

11. With the above observations and directions, this writ petition is disposed of.