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**(2004) 05 JH CK 0032**

**In the Jharkhand High Court**

**Case No : Writ Petition (C) No. 3075 of 2002**

Rajendra Khalko

APPELLANT

Vs

Ranchi Municipal Corporation and Others

RESPONDENT

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**Date of Decision : 12-05-2004**

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation : (2004) 4 JCR 379**

**Hon'ble Judges : Amareshwar Sahay, J**

**Bench : Single Bench**

**Advocate : Ritu Kumar, for the Appellant; P.K. Prasad, for the Respondent**

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**Judgement**

Amareshwar Sahay, J.—Heard the parties.

2. The petitioner has prayed for quashing of the notice dated 28.2.2002, i.e. Annexure-2 issued by the Ranchi Municipal Corporation, Ranchi, whereby the petitioner has been asked to remove the encroachment within a period of one week otherwise the said encroachment shall be removed forcibly and the cost of such removal could be realised from the petitioner.

3. The said notice (Annexure-2) was issued to the petitioner as well as two others but this writ application is confined to the notice issued to the petitioner only. The grievance of the petitioner is that prior to issuance of Annexure-2, the petitioner was not given any notice nor any measurement was made in his presence with regard to the alleged encroachment.

4. The petitioner by his letter dated 11.3.2002, (Annexure-3) addressed to the Administrator, stated that he has not encroached any land of the Corporation and requested that let a measurement be made in his presence of the lands in question but the respondent-corporation did not respond to the said letter of the petitioner.

5. Considering the nature of the dispute, this application is being disposed of

with a direction to the respondent-Ranchi Municipal Corporation to make a fresh measurement of the land in question in presence of the petitioner within a period of four weeks. The respondent-corporation shall fix a date of measurement and intimate the same to the petitioner, if the petitioner in spite of the service of notice for such measurement does not appear on the date fixed for measurement, the respondent- corporation shall be free to take the measurement in absence of the petitioner and the corporation shall be also at liberty to remove the encroachment if any found after fresh measurement.

6. Till a fresh measurement is made by the corporation, as directed above, there shall be no demolition of any structure standing on the plot and area in question.

7. With the above observation and direction this application is disposed of.