



2024:JHHC:6400

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(C) No. 3729 of 2022**

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Shree Krishna Singh son of Late Jay Govind Sing, resident of LIG Khatal, Adarsh Bhawan, PO Adityapur 2, PS RIT, District Saraikela Kharsawan.

... **Petitioner**

**-versus-**

1. The State of Jharkhand.
2. Managing Director, Jharkhand State Housing Board having Office at Harmu Housing Colony, District Ranchi.
3. The Secretary, Jharkhand State Housing Board, Harmu Housing Colony, District Ranchi.
4. Competent Authority, Jharkhand State Housing Board, Harmu Housing Colony, District Ranchi.
5. The Executive Engineer, Jharkhand State Housing Board, Jamshedpur Division, Office at Adityapur, District Saraikela Kharsawan.

... **Respondents**

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**CORAM : SRI ANANDA SEN, J.**

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**For the Petitioner :** Mr. Jitesh Kumar, Advocate  
**For the Respondents :** Ms. Surbhi, Advocate  
AC to Mr. Sachin Kumar, Advocate  
Mr. Awnish Shekhar, AC to AAG I

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**7/ 15.02.2024** Heard learned counsel for the petitioner, learned counsel for the Jharkhand State Housing Board and learned counsel for the respondent-State.

**2.** By filing this writ petition, the petitioner has prayed to restrain the respondent-Housing Board from dispossessing the petitioner from the plot in question, which has been occupied by the petitioner. He prays that the decision taken by the Housing Board on 27.02.2013 and 17.03.2017 be given effect to and he be settled with the land in question.

**3.** It is the case of the petitioner that the petitioner has constructed a house in the land belonging to Jharkhand State Housing Colony, Kulpatanga, Adityapur 2, Saraikela Kharsawan, which is also known as LIG Khatal. It is his case that he constructed a house in 1998 and there was no objection to the same from any corner. He is paying holding tax and water charges also. It is an admitted case of the petitioner that he requested the Housing Board to allot the land in his favour, but, admittedly, till date there is no allotment in his favour. It is the case of the petitioner that a decision was taken by the Housing Board in a meeting held on 27.02.2013 that the land of Housing Board, which has been encroached by any person, the same will be regularized in their



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favour. The Housing Board also notified the aforesaid decision on 17.03.2017. It is the grievance of the petitioner that inspite of the aforesaid notification, petitioner has not been allotted the aforesaid land and the respondents are trying to dispossess the petitioner.

**4.** Ms. Surbhi, learned counsel appearing on behalf of the Jharkhand State Housing Board, by referring to the Counter Affidavit, submits that a decision was taken by the Housing Board to regularize the encroachment, who were residing over the lands of the Housing Board, but the proposal sent to the Urban Department, State of Jharkhand was turned down. Thus, the petitioner has got no legal or vested right. She admits that in this case, proceeding has also been initiated to evict the petitioner.

**5.** Learned counsel appearing for the respondent-State submits that they are not a necessary party in this case as the land belongs to the Housing Board, but she cannot controvert the fact that Urban Department has not approved the proposal of the Jharkhand State Housing Board, whereby earlier the Board had intended to regularize the encroachers.

**6.** From the pleadings of the parties, it is an admitted fact that the petitioner has encroached upon the land of the Board and has constructed a house. It is also an admitted fact that the land belongs to the Jharkhand State Housing Board. Any act of encroachment by itself is an illegality. A person, who encroaches a land is a party to such illegal act. Encroachment upon land is a mode of grabbing land of others. Regularising encroachment amounts to giving premium and privilege to the person, who has got no regard of law and has encroached upon the property of others. This type of distribution of premium should be stopped immediately. If this policy of giving premium and privilege to law breakers and land grabbers continues, people in general, who are law abiding citizens and have faith in the legal system, will have no regards for law. They will also start encroaching and grabbing lands on a genuine belief that in times to come, the said encroachment by way of land grabbing will be regularized. This will also have a negative impact on the law abiding citizens, who refrain from indulging in any illegal activities. Giving privilege to persons, who do not have any regards for law will have a bad impact and will affect the moral of citizens who are law abiding and uphold the sanctity of law even during their difficult days of life. Any policy, which regularizes and gives premium, to this type of land grabbers / encroachers, who have no regard for law, does not fit within the four corners of our



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Constitution, thus, the State has rightly refused to accede to the proposal of Housing Board, whereby the Housing Board had decided to regularize the encroachers.

**7.** Since admittedly, the petitioner is an encroacher, he has got no legal / fundamental right to remain over the land, which he has encroached upon.

**8.** It also should be taken into consideration that even an encroacher cannot be thrown out without following the due process of law. Since a proceeding has already been initiated to evict the petitioner from the encroached land in question, respondents are directed to conclude the said proceeding and evict the petitioner thereafter, after following due process of law.

**9.** In view of the above, I do not find any merit in this writ petition. This writ petition is, accordingly, dismissed. Pending interlocutory applications, if any, stand disposed of.

**(Ananda Sen, J.)**