

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.                      OF 2025  
(arising out of SLP(C) Nos. 5436-5437/2023)

RANCHI MUNICIPAL CORPORATION & ANR.

APPELLANT(S)

VERSUS

SURESH TIRKEY & ORS.

RESPONDENT(S)

O R D E R

Leave granted.

Ranchi Municipal Corporation and its Commissioner are aggrieved by the judgment and order dated 10.08.2022 passed by a Division Bench by the High Court of Jharkhand at Ranchi in L.P.A. Nos. 143/2022 and 144/2022.

Proceedings were initiated simultaneously in relation to certain encroachments under the provisions of the Bihar Public Land Encroachment Act, 1956<sup>1</sup>, and also the Jharkhand Municipal Act, 2011<sup>2</sup>. However, the proceedings under the Encroachment Act were dropped and those initiated under the Municipal Act culminated in the notice dated 09.04.2022, whereby Suresh Tirkey and Sonu Pascal Ekka, the respondents, were called upon to ensure removal of their encroachments within a stipulated time frame.

Prior thereto, notice dated 25.10.2021 was issued to the said respondents, calling upon them to present their cases along with

1 For short, 'the Encroachment Act'

2 For short, 'the Municipal Act'

supporting orders/documents/papers in relation to the plots of land on which they were alleged to have encroached.

Suresh Tirkey filed W.P.C. No. 4953 of 2021 before the High Court assailing the notice dated 25.10.2021. Similarly, Sonu Pascal Ekka filed W.P.C. No. 4907 of 2021 against the notice received by him. A learned Judge of the High Court dismissed the said writ petitions, *vide* common order dated 31.03.2022. The learned Judge specifically noted that the claim of the writ petitioners that the names of their ancestors were recorded in the Cadastral Survey record of rights, indicating their title and ownership over the lands in question, could not be adjudicated in exercise of writ jurisdiction.

After the dismissal of the writ petitions, the final notice dated 09.04.2022 was issued to the respondents, namely, Suresh Tirkey and Sonu Pascal Ekka, which remained unchallenged. However, the said respondents chose to file LPA Nos. 143 and 144 of 2022 before a Division Bench of the High Court.

Surprisingly, the Division Bench completely misunderstood and misinterpreted Section 606 of the Municipal Act, which reads as under:

"606. Encroachment on streets.-

1. No person shall cause any encroachment or obstruction on any municipal property such as a street or footpath or park without specific permission of an officer of the municipality duly authorized to grant such permission. Any person causing such encroachment or obstruction on any

municipal property as aforesaid shall, on conviction, be punishable with fine which may extend to five thousand rupees.

2. The Municipal Commissioner or the Executive Officer shall have power to remove any encroachment and obstruction on the municipal property if it is not authorized, or if it objectionable or obstructs traffic.

It is clear from a plain reading of Section 606 of the Municipal Act that encroachment or obstruction could be on any municipal property and, only by way of an elucidation, the provision mentioned: 'such as a street or footpath or park'. The mere fact that these three words were mentioned did not mean that other municipal properties were not covered by the provision, as construed by the Division Bench of the High Court. Proceeding on this mistaken construction of the statutory provision, the Division Bench granted relief to the respondents.

We are, however, in agreement with the opinion expressed by the learned Judge who dismissed the writ petitions that these were not judicially manageable issues falling within the ambit of the extraordinary jurisdiction of the High Court under Article 226 of the Constitution of India. The respondents necessarily had to demonstrate their title and possession over the lands but no documents were produced by them in response to the notices issued by the appellant-Corporation in proof of their rights over the lands in question. Without demonstrating such right, title and ownership, the respondents could not have gotten relief from the writ Court.

The appeals are accordingly allowed, setting aside the impugned judgment and order dated 10.08.2022 passed by the Division Bench of the High Court of Jharkhand at Ranchi in L.P.A. Nos. 143 and 144 of 2022.

This order shall, however, not preclude the respondents from invoking the appropriate remedy available to them in law before the proper forum to demonstrate and establish their rights, if any, over the lands in question. It would also be open to them to seek interim protection before such forum pending final adjudication, as we are informed that they have again re-entered upon the lands in question. *Status quo* obtaining as on today shall be maintained for eight weeks from today to enable the respondents to do so.

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

.....J.  
(SANJAY KUMAR)

.....J.  
(ALOK ARADHE)

NEW DELHI;  
DECEMBER 12, 2025.

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) Nos. 5436-5437/2023

[Arising out of impugned final judgment and order dated 10-08-2022 in LPA No. 143/2022 and LPA No. 144/2022 passed by the High Court of Jharkhand at Ranchi]

RANCHI MUNICIPAL CORPORATION &amp; ANR.

Petitioner(s)

VERSUS

SURESH TIRKEY &amp; ORS.

Respondent(s)

(IA No. 26952/2023 - APPLICATION FOR PERMISSION, IA No. 14777/2023 - EXEMPTION FROM FILING O.T. and IA No. 26953/2023 - EXEMPTION FROM FILING O.T.)

Date : 12-12-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR  
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) Mr. Arunabh Choudhary, Sr. Adv.  
Ms. Pallavi Langar, AOR  
Ms. Pragya Baghel, Adv.  
Mr. Shashank Shekhar, Adv.  
Mr. Sujeet Kumar Chaubey, Adv.

For Respondent(s) Mr. Shekhar Kumar, AOR  
Mr. Janme Jay, Adv.  
Mr. Nikhil Kumar, Adv.  
Mr. Sanjeev Yadav, Adv.  
Mr. Yogesh Kumar Goel, Adv.  
Mr. Prashant Singh, Adv.

UPON hearing the counsel, the Court made the following  
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

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

(BABITA PANDEY)  
AR-cum-PS

(PREETI SAXENA)  
COURT MASTER (NSH)

(Signed order is placed on the file)