

(2011) 02 JH CK 0021

Jharkhand High Court

Case No: Writ Petition (PIL) No. 1076 of 2011

Court on its own motion

APPELLANT

Vs

State of Jharkhand and
OthersRESPONDENT

Date of Decision: Feb. 28, 2011**Citation:** (2011) 2 JCR 188**Hon'ble Judges:** Bhagwati Prasad, C.J; Dhirubhai Naranbhai Patel, J**Bench:** Division Bench

Judgement

1. Court on its own motion takes notice to the newspaper report of "Dainik Bhaskar" (page no. 2) and also the report published in its "D.B. Star" dated 28th February, 2011 that there are number of buildings in the city, which have not submitted Completion Certificate to the local authorities and consequently no occupancy certificates have been issued by the local authorities. Furthermore, there are buildings, which have been constructed even without passing of the maps from the concerned authority. This has also been brought to our notice that in certain cases, maps have been sanctioned by the authorities against the laws. This is also one of the concerns which have been expressed that such wrongly constructed buildings are in occupation. This all requires a serious note to be taken by this Court.

2. A suo motu action is initiated against the erring authorities and notice is issued to the State of Jharkhand, R.R.D.A. and Ranchi Municipal Corporation to clarify the following questions:

1. How many building plans have been sanctioned by the R.R.D.A/R.M.C in accordance with its building byelaws in the last ten years?
2. How many completion certificates have been submitted by licensed technical personnels in the prescribed format?
3. How many occupancy certificates have been issued by the R.R.D.A?

4. How many complaints have been made to the R.R.D.A regarding unauthorized construction and what action has been taken thereupon?

5. How many Unauthorized Construction cases have been registered in the R.R.D.A during the last ten years and in how many of them orders of rectification of deviation/demolition have been passed and how many such order have actually been executed/implemented?

6. How many inspections have been made by the R.R.D.A officials on their own and what action has been taken on the reports so submitted?

7. What methodology the R.R.D.A/R.M.C have devised to check unauthorized construction of buildings?

8. What steps have been taken by the R.R.D.A/R.M.C to update the existing master plan of Ranchi as also what steps have been taken to implement the existing master plan of Ranchi?

3. This has also come to the notice of this Court that such irregularities have also happened in other cities of Jharkhand like Jamshedpur, Dhanbad, Bokaro, Hazaribagh to name a few. The Deputy Commissioners of these cities will address the questions asked hereinabove from the authorities concerned and would seek report and submit to this Court by the next date. The concerned Deputy Commissioners be also issued notice.

4. Mr. Indrajit Sinha is appointed as Amicus Curiae in this case and he will assist this Court in this matter.

5. The State Government should also look into it where a map has been sanctioned without the sanction of law and building has been constructed how such matters will have to be dealt with.

6. Notice be served by email and personal service and the matter be listed before this Court on 7th March, 2011.