

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P.(C) No. 3283/2023**

The Court on its own motion

... **Petitioner**

**Versus**

The State of Jharkhand & Ors.

... **Respondents**

**CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR  
HON'BLE MR. JUSTICE RATNAKER BHENGRA**

For the Petitioner : Mr. Atanu Banerjee, *Amicus*

For the Respondents : Mr. Rahul Saboo, G.P II

**Order No. 1/ Dated: 26<sup>th</sup> June 2023**

A newspaper report published in daily newspaper "Prabhat Khabar" has been brought to our notice. From this report, we gather that an attempt was made by the land grabbers to capture the land belonging to late Sri M. Y. Eqbal. This has happened in broad daylight in the heart of the city. We have experiences on judicial side that gangs of land grabbers are operating in the State of Jharkhand, one of such cases was W.P.(Cr.) No. 59 of 2022. The report published in the daily newspaper "Prabhat Khabar" raises a serious concern to protection of life and property of the residents of Ranchi. We would assume that the situation is within the knowledge of the State administration as several petitions have been filed in the High Court complaining against attempts of land grabbing and demand of ransom by such gangs and the crimes of like nature.

We would indicate that "the person" whose land was attempted to be grabbed by a gang of criminals and land grabbers is not important. The situation which this Court has come across is the reason this Court has taken cognizance of the matter. After all, a person by becoming a Judge does not loose his rights which every common man of this country possesses.

The acts of vandalism and attempt to grab lands belonging to others may not necessarily affect the security of the State but would necessarily affect public order. Such acts are likely to shake the confidence of the people in the system who may feel helpless and hapless when such acts are done in a brazen

manner. Prima facie, this appears to us that there are other outside forces which are instigating such incidents and protecting the anti-social elements and land grabbers. To ensure security of the common man is not merely a legal duty of the State but a Constitutional mandate. If the citizens are forced to live in an atmosphere where they would apprehend loss of property, that would herald the end of rule of law.

Taking cognizance of the aforesaid situation, we direct the Registry to institute a *suo-motu* writ petition in which the following persons shall be arrayed as respondents:

- (i) The Chief Secretary, Government of Jharkhand,  
Ranchi
- (ii) Principal Secretary, Department of Home, Jail &  
Disaster Management, Government of Jharkhand
- (iii) Senior Superintendent of Police, Ranchi,
- (iv) Officer-in-Charge, Lower Bazaar PS, District- Ranchi

The Senior Superintendent of Police shall file his personal affidavit and give details of the cases registered in the district of Ranchi making complaints of the aforesaid nature, status of such complaints/and FIRs and the action taken pursuant to such complaints. The affidavit must give details as regards action taken to bust such gangs and arrest the persons behind such incidents.

The Principal Secretary, Department of Home, Jail & Disaster Management, Government of Jharkhand shall file an affidavit giving details of the monthly meetings held (i) in the last six months and (ii) the decisions taken in the monthly meetings as regards maintenance of law and order and safety of the common man. This affidavit shall disclose whether or not any discussion took place regarding the rising incidents of the aforementioned nature and be supported by the minutes of meetings held, if any.

Having regard to the nature of the offending acts, we would seek a report from an officer authorised by us who shall conduct an enquiry to ascertain whether there is prima facie evidence of involvement of the local police and/or any other

person/persons in the incident, or, it was sheer negligence and dereliction of duty on the part of the police that such incident has happened. He shall submit his report in a sealed cover within two weeks.

For this purpose, we appoint Mr. R. K. Mallick who is presently holding the post of Additional D.G.P, Communication and Technical Services, Jharkhand Police Wireless Headquarter, to conduct the enquiry as indicated hereinabove.

All concerned including the police officers shall cooperate and provide assistance to Mr. R. K. Mallick, who can requisition the records indicating stationing and location of PCRs, call/calls made to the officer-in-charge or in the police station reporting the incident and any other record which may be necessary for unearthing the truth.

Mr. Atanu Banerjee, the learned counsel is requested to assist the Court in this matter.

The Registry shall provide a copy of the newspaper report and this order to the learned *Amicus*.

The learned Advocate General is requested to appear in this matter.

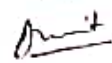
Mr. Rahul Saboo, the learned G.P.II who is present in the Court accepts notice on behalf of the respondents.

Post this matter on 18<sup>th</sup> July 2023, before the appropriate Bench after taking necessary order from Hon'ble the Chief Justice, High Court of Jharkhand.

Sd/-  
(Shree Chandrashekhar, J.)

Sd/  
(Ratnaker Bhengra, J)

True Copy

  
Sec./Sr.P.A./P.A.  
27/6/2023