

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 5065 of 2025

Court on its Own Motion

Versus

1. State of Jharkhand through its Chief Secretary, Govt. of Jharkhand, Ranchi
 2. Principal Secretary, Department of Road Construction, Ranchi
 3. The Union of India through its General Manager, South Eastern Railway, Kolkata
 4. DRM, Ranchi Division, South Eastern Railway, Ranchi
- ... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the State: Mr Vibhor Mayank, A.C. to A.G.
For the UOI: Mr Prashant Pallav, ASGI

12/Dated: 09.07.2026

1. Heard Mr Vibhor Mayank, learned A.C. to A.G. appearing for the State, and Mr Prashant Pallav, learned Senior Advocate and the learned A.S.G.I. appearing for the Union of India (Railways).
2. This matter was registered as a *suo motu* Public Interest Litigation, consequent upon a receipt of a letter from Dr Devendra Mahato on 4th September 2025, which reads as follows:-

"To,

Date: 04-Sept-25

*The Chief Justice of High Court
Ranchi, Jharkhand.*

*Sub: Regarding the road condition in your recent visit to Jonha
Water Fall*

Respected Sir,

While returning from Jonha Water Fall to Ranchi, the condition of connecting road from water fall located in Village Koynardih to Jonha Fall Road is very miserable.

This is the only approaching road which connects villagers to Jonha Bazar, School, Hospital and Ranchi Town. Almost more than 15 villages and 20 thousand people getting affected due to poor condition of road. Tourism also getting affected due to such poor road condition.

This road has to start from Jonha Fall Road (near Gautam Dhara Station underpass) and approx.. 1 KM area comes under railway authority and they also not allowing construction the road whereas on other side railway has made underpass and road at his own land for public.

Villagers met with MP/MLA and our MP/MLA further forwarded letter to REO, PWD and also sent letters to Forest and Railway department but no action taken for more than 15 years. Because of such frustration few Villagers has boycotted the last parliament election.

Considering the situation of poor villagers and struggling in their day-to-day activities without the road, we are requesting you to take suo motu cognizance for the development of this area.

We would be highly obliged, if you could help us.

Thanking you,

Sincerely Yours

Dr. Devendra Mahato”

3. During the hearing, it transpired that the State authorities were willing to undertake the work of widening of the existing kutchha road from 5 meters to 8 meters and further, to convert this kutchha road into a metal paved road.

4. However, the learned Advocate General and other Advocates who appeared on behalf of the State stated that no objection certificate from the Railways would be necessary to undertake the above works. Accordingly, Mr Prashant Pallav, learned A.S.G.I., who appears in this matter on behalf of the Union of India (Railway authorities), stated that the Railway authorities would consider issuing a no-objection certificate for road-strengthening works from Masrijara to Heslabeda, which was the subject matter of this *suo motu* public interest litigation.
5. From time to time, several orders were issued regarding joint inspection, layout preparation, surveys, etc.
6. Finally, we were informed that the proposal for the grant of NOC by the Railways was at an advanced stage and that a decision would be taken in the matter shortly.
7. Today, we are happy to note that Mr Prashant Pallav, learned A.S.G.I., has handed over the communication dated 01.07.2026 addressed to him by the Divisional Railway Manager (Engineering) / RNC, South Eastern Railways. A copy of this communication is taken on record and marked as “X” for identification.
8. The above communication reads as follows:-

“South Eastern Railway

*Office of the
Divl. Railway Manager (Engg.)/RNC
Dtd. 01.07.2026*

No.L/12/Court case/2026

*To,
Shri Prashant Pallav
Assistant Solicitor General of India
Jharkhand High Court, Ranchi
Mob. No.-9470307609*

*Sub:- Issuance of No Objection Certificate (NOC)
for road strengthening works from Masrijara
to Heslabeda W.P.(PIL) No. 5065/2025 before
the Hon'ble High Court of Jharkhand, Ranchi.*

Sir,

With reference to the subject cited above, it is submitted that the proposal for issuance of a No Objection Certificate (NOC) for road strengthening works from Masrijara to Heslabeda over 1.887 Km of Railway Land under Ranchi Division has been approved by the Competent Authority in compliance with the directions of Hon'ble High Court of Jharkhand in its order dated 26.02.2026 and 09.04.2026, while duly safeguarding the operational, safety and ownership interests of the Railways.

As stipulated under point no.5 of the order dated 26.02.2026, "it is agreed that the road shall, as far as possible, be adjacent to the Railway land boundary (within the Railway property)", the proposal has accordingly been processed and approved by the competent authority in conformity with the aforesaid direction. It is further submitted that the State Government shall be required to provide the remaining 3.0 meters of additional land so that the road width may be increased to the minimum required width of 8.0 meters.

The proposal was approved by the Principal Financial Advisor (PFA) vide Note# 79 and subsequently by the Principal Chief Engineer(PCE) vide Note# 80 on 24.06.2026 with the following remarks: "Approved in the light of Hon'ble High Court RNC directions. Please take necessary action protecting all rights of Railways". The approval has been accorded subject to the following conditions:

1. *The provisions of Railway Board's letter No. 2012/LM(PA)/03/08/Policy dated 21.10.2015 and other extant instructions/guidelines issued by the competent authority may be complied with.*
2. *The work to be executed at the cost of the State Government/Local Authority without any financial liability to Railways.*
3. *Issuance of NOC may not confer any right, title, ownership, easement or permanent claim over Railway land and shall remain subject to Railway requirements.*
4. *The executing agency may obtain all requisite statutory clearances/permissions and execute necessary safeguard before commencement of the work.*
5. *It may be ensured that the proposed work does not affect Railway land, assets, drainage, utility services, signaling and telecommunication installations, or safety of train operations.*
6. *Compliance with all stipulated conditions and applicable Railway guidelines may be ensured by the concerned Railway authorities before commencement of the work.*

In view of the above, you are requested to kindly place the enclosed approval of the competent authority before the Hon'ble High Court of Jharkhand, Ranchi, in connection with W.P.(PIL) No. 5065 of 2025. The matter is presently listed for hearing on 09.07.2026

This is submitted for your kind information and necessary action.

Encl: Copy of approval/note sheet of the competent authority and sketch plan referred to in the proposal.

Sd/-

Div. Engineer (East)/Ranchi

Copy to :-1. PS to DRM/RNC for kind information to DRM/RNC please.

*2. Sr. DEN(Co)/RNC for kind information please
Law Officer/SER/RNC for kind information and necessary
action please*

*Sd/-
Div. Engineer (East)/Ranchi”*

9. A copy of the communication dated 01.07.2026 has been handed over to Mr Vibhor Mayank, the learned A.C. to A.G.
10. The learned A.S.G.I. and Mr Vibhor Mayank agree that this communication now constitutes the N.O.C. on behalf of the South Eastern Railways, authorising the State Government to proceed with the works of road strengthening, widening and metal paving of the road in question. We also direct that the above communication constitutes the requisite N.O.C. for the State Government to proceed with the works of road strengthening, widening and metal paving of the road in question.
11. In our order dated 09.04.2026, we had recorded the statement of the learned Advocate General that no sooner the Railways authorities give their N.O.C., the State will undertake the work of road widening the existing kutcha road from 5 meters to 8 meters, and further this kutcha road would be converted into a metal paved road. This statement was accepted and is hereby accepted. By the same order dated 09.04.2026, we also directed the State Government to indicate a timeline for the completion of the above road works.
12. Though no affidavit has been filed and Mr Mayank states that instructions would be obtained from the Secretary, we think that

more than ample time has been spent on this project, and the State Government, to date, has not provided a timeline for the completion of the construction/strengthening works.

13. Earlier, the State Government had indicated that it is more than willing to undertake these works, but it was unable to proceed for want of an N.O.C. from the Railways. Now that the N.O.C. from the Railways is in place, we direct the State to forthwith undertake the above works and to complete them as expeditiously as possible, and in any event within six months from today, without giving any usual excuses or seeking extensions. This timeline is more than sufficient for completing the works, as they pertain only to a stretch of approximately 1.887 kms.
14. None of the parties disputed the necessity of the above works. The miserable state of the road as at present was not disputed. The fact that such a road serves almost 15 villages and a population of about 20,000 was also not seriously disputed. In addition, locals and tourists visiting the Johna waterfalls have difficulty accessing this road.
15. The villagers who addressed a letter to this Court complained that their day-to-day activities are adversely affected by the miserable condition of this road, which is a lifeline to their villages. The letter also refers to the villagers' efforts to persuade the Authorities to look into and redress their genuine grievance.

16. The only difficulty expressed by the State Government was the lack of an N.O.C. from the Railway authorities. That difficulty no longer exists, and therefore there is no reason to delay the commencement and completion of the works any further. Accordingly, we direct the State Government to commence and conclude the works within six months from today.

17. Since the learned Advocate General has made a statement on behalf of the State of Jharkhand, we do not think that it is necessary to remind the State Government that such statement binds the State Government. All this while, the only difficulty expressed by the State Government was the want of N.O.C. from the Railway authorities. As noted earlier, this difficulty no longer survives and therefore, there should be no further delay on the part of the State Government in undertaking the works consistent with the statement made on their behalf.

18. The Secretary, Rural Works Department, Government of Jharkhand will be personally responsible for ensuring that these works are commenced and concluded within six months from today. The Secretary, Rural Works Department, Government of Jharkhand can assign this work to the Executive Engineer or any other Officer whom he deems fit and competent. However, the ultimate responsibility would be that of the Secretary, Rural Works Department, Government of Jharkhand.

19. We dispose of this petition with the above directions. But before we do so, we record our appreciation for the fair approach of Mr Prashant Pallav, the learned A.S.G.I., and the then learned Advocate General for the State of Jharkhand, Mr Rajiv Ranjan, in finding a solution to this much-vexed issue that has been bothering the residents of that region.
20. The *suo motu* public interest litigation is disposed of in the above terms, without any order for costs. Pending interim applications, if any, will not survive and are disposed of.
21. The Secretary, Rural Works Department, Government of Jharkhand must file a compliance report in this Court by giving an advance copy to Ms Niki Sinha, the learned C.G.C., who appears along with Mr Prashant Pallav, the learned A.S.G.I., by 18.01.2027.
22. Though the petition is disposed of, we direct the Registry to list this matter on 21.01.2027 for considering the compliance report.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

July 09, 2026

N.A.F.R.

Manoj/Sharda/Cp.2

Uploaded on 11.07.2026