IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 8017 of 2026

Raj Kumar Choudhary ….. Petitioner

Versus

1. The Managing Director, Jharkhand State Housing Board, Ranchi
2. The Executive Engineer, Jharkhand State Housing Board, Jamshedpur Division, East Singhbhum ….. Respondents

---

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner: Mrs. I. Sen Choudhary, Sr. Advocate
Mr. Shiwam Lath, Advocate
Ms. Ishani Sen, Advocate

For the Respondents: Mr. Sachin Kumar, Advocate

Reserved on 18.11.2026 **Pronounced on 23.11.2026**

04/23.11.2026 The present writ petition has been preferred for quashing the Letter No.813dated 20.08.2026 issued by the Executive Engineer, Jharkhand State Housing Board, Jamshedpur (Respondent No.2) whereby the petitioner has been directed to vacate the Chhitput land (cut-piece plot) admeasuring an area of 600 Sq. Ft. (30'x20') lying between 96 LIG Plot Nos. 7 and 8 situated at Adityapur-2, Jamshedpur (hereinafter referred as the said land) which was temporarily allotted to him.

2. Mrs. I. Sen Choudhary, learned Sr. Advocate appearing on behalf of the petitioner, submits that the petitioner had applied before the Managing Director, Jharkhand State Housing Board (Respondent No.1) on 20.11.2003 through the respondent No.2 for allotment of 1200 Sq. Ft. Chhitput land and pursuant to the application, the said land was temporarily allotted to the petitioner vide letter No. 996 dated 17.08.2007 issued by the Respondent No. 1 on rental basis @ Rs.200/- per month with a condition that if in future the Board required the said land, the same would be vacated by the petitioner on service of one month notice to him.

3. It is further submitted that after allotment of the said land, the petitioner took possession of the same and regularly paid rent to the Board. He also got

the electricity connection from JBVNL in the name of M/s R.K Electricals and has been regularly paying the electricity bill/charges. It is also submitted that the petitioner is running the business of electrical goods in the name of M/s R.K. Electricals over the said land after obtaining Municipal Trade License Approval Certificate and earning his livelihood.

4. It is contended that on 27.06.2026, the police force of local police station objected the petitioner in carrying on the business and thereafter the petitioner submitted his representation before the respondent No.2 on 04.07.2026 requesting to take note of the illegal police action as well as to inform the local administration that the petitioner is a lawful tenant of the Board, so that the petitioner may run his business smoothly. However, no action was taken by the respondent No.2, rather vide impugned letter dated 20.08.2026, the petitioner has been directed to vacate the said land.

5. It is further submitted that the petitioner is not an encroacher, rather a lawful allottee of the said land and has been regularly paying the rent to the Board, however, the impugned letter has been arbitrarily issued to the petitioner directing him to vacate it that too without following the principles of natural justice.

6. Learned Sr. counsel also argues that the respondent no. 2 has not followed the procedure provided under section 59 of the Jharkhand State Housing Board Act, 2000 for getting the petitioner evicted from the allotted land.

7. On the contrary, Mr. Sachin Kumar, learned counsel appearing on behalf of the respondent-Board, submits that the said land was never allotted to the petitioner and the purported allotment letter bearing Letter No. 996 dated 17.08.2007 is a forged and fabricated document for which the respondent-Board is in process of lodging FIR against the petitioner.

8. It is further submitted that any allotment letter is not issued under the signature of the Managing Director, Jharkhand State Housing Board as per the established administrative procedure and rules of the Board, rather the same is issued through the Estate Officer as per the order of the Managing Director of the Board.

9. It is further submitted that the petitioner is an encroacher of the said land measuring an area of 600 Sq. Ft. out of total area of 1400 Sq. Ft. and due to the said encroachment, the respondent-Board is facing severe administrative and legal hurdles in handing over the physical possession of the entire 1400 Sq. Ft. of the said vacant land to the valid allottee.

10. Heard learned counsel for the parties and perused the materials available on record.

11. Though the petitioner is claiming that the said land was allotted to him vide letter no. 996 dated 17.08.2007, however, the respondent-Board has contended that the said allotment letter is a forged one and the land in question was never allotted to the petitioner.

12. Be that as it may.

13. Even on perusal of the purported allotment letter dated 17.08.2007, it transpires that the said land was allotted to the petitioner by the Jharkhand State Housing Board purely on temporary basis with a condition that if the Board requires this land in future, the same would be vacated by the petitioner on receipt of one month notice. Thus, even if the said allotment letter is treated as genuine, then also the petitioner cannot claim continuance of his possession over the said land since the allotment itself was completely temporary in nature.

14. In the case of ***Food Corporation of India & Another vs. Ram Kesh Yadav & Another*** reported in ***2007 (9) SCC 531,*** the Hon'ble Supreme Court has held that when an offer is a conditional one, the offeree has the choice of either accepting or rejecting its offer or making a counter offer. But what the

offeree cannot do, when an offer is conditional, is to accept a part of the offer which results in performance by the offeror and then reject the condition subject to which the offer is made.

15. Once the petitioner accepted the temporary allotment with a condition that the same would be vacated on service of one month notice, the petitioner now cannot claim deviation from the said condition. Thus, I do not find any substance in the claim of the petitioner.

16. Learned Sr. counsel for the petitioner has placed much reliance on Section 59 of the Act, 2000 and submits that the procedure for eviction as provided in the said Section has not been followed by the Board.

17. I have perused Section 59 of the Act, 2000 which provides the summary procedure for eviction and recovery of rents. The said procedure is also to be followed in a case where any person is found in unauthorised occupation of the premises of the Board. Thus, no doubt the Board is bound to follow the procedure provided under section 59 of the Act, 2000 while taking steps for eviction of the petitioner.

18. For the reasons as aforesaid, the respondent-Board shall follow the procedure as provided under section 59 of the Act, 2000 while taking steps for eviction of the petitioner, if he does not voluntarily vacate the said land pursuant to issuance of letter No. 813 dated 20.08.2026.

19. The present writ petition is dismissed with the aforesaid observation.

Satish/A.F.R

(RAJESH SHANKAR, J)

Uploaded on 23.11.2026