

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7269 of 2017

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Mithilesh Kumar Suman, S/o Late Bardho Yadav, Resident of Village- Pararia
P.S.- Nardiganj, District- Nawada.

.... Petitioner/s

Versus

1. The Union of India, through the Secretary National Highway Authority of India.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, R.C.D. Government of Bihar, Patna.
4. The Engineer-in-Chief, R.C.D. Government of Bihar, Patna.
5. The Chief-Engineer, Department of R.C.D. Government of Bihar, Patna.
6. The Collector, Nawada.
7. The Land Acquisition Officer, Nawada.
8. Sanjay Gupta, S/o Sri Ramchandra Sao, Resident of Village- Nardiganj, P.S.-
Nardiganj, District- Nawada.
9. Suresh Prasad, S/o Sri Ram Lal Prasad, Resident of Village- Nardiganj, P.S.-
Nardiganj, District- Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Lilawati Singh, Advocate

For the Respondent/s : Mr. S D Sanjay, ASG

Mr. Anshay Bahadur Madhur, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 18-09-2017

Petitioner claims in this Public Interest Litigation that a



by-pass road on the existing land is being constructed in the old National Highway No. 82 by the respondents and the alignment of the road has been made in such a manner that it goes through the land of the petitioner and many farmers. It is stated that the alignment has been made to go over the plot of the petitioner in such a manner that influential and heavyweight persons whose lands are situated in the old National Highway No.82 are being excluded and the alignment made is only to grant benefit to such of the influential persons.

Challenging the alignment of the National Highway for making it four-lane road this petition is made indicating that even though influential persons are being protected by making the alignment in a particular manner, in fact, allegation in this regard is made in paragraph-8 of the writ petition that so-called influential persons have been benefited by the alignment and the persons like the petitioners who are small and marginal agriculturists will turn to be landless losing their livelihood.

A detailed counter affidavit has been filed by the respondent authorities, which goes to show that after taking expert opinion of the technical authorities the alignment has been decided. It is indicated that the alignment of the road has been decided after consultation with various technical experts. From the counter



affidavit filed by respondent no. 1 it is seen that the matter pertains to National Highway No. 82 passing through Nardiganj market, as the existing National Highway was to be widened and was required to be converted into a four-lane highway it was found that construction of the four-lane road through the market area is not feasible and after technical evaluation instead of taking the National Highway through the market area which would have resulted in demolition of residential and commercial complex situated in the market, a decision was taken for alignment in question was taken for which acquisition proceedings have been initiated.

Taking note of the detailed counter affidavit filed by the respondents which is based on technical opinion and policy decision, we see no reason to make any indulgence into the matter merely because the alignment is not to the liking of the petitioner or the petitioner is adversely affected. The question of construction of a National Highway converted into a four-lane road is based on administrative policy decision taken after expert opinions are obtained. Once the policy decision was to have the National Highway constructed by converting it into a four-lane highway by acquiring the land and without demolition of the structures of various complex in the market area, we see no reason to make any indulgence into the matter.



The writ petition in public interest is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21/09/2017
Transmission Date	N.A.

