

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8364 of 2021

NH-31 - 2nd Flyover (LCW) Parallel to existing flyover in Kishanganj Town
Dist- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India, New Delhi.
- 2.1. The Union of India through Secretary, Ministry of Road Transport and Highways, New Delhi.
- 2.2. The Secretary, Ministry of Road Transport and Highways, New Delhi.
3. The Chairman, National Highway Authority of India, New Delhi.
4. The Chief Secretary, Govt. of Bihar.
5. The Development Commissioner, Govt. of Bihar.
6. The Additional Chief Secretary, Road Construction Govt. of Bihar.
7. The Additional Chief Secretary, Revenue Deptt. Govt. of Bihar.
8. The Principal Secretary Finance Deptt. Govt. of Bihar.
9. The National Highway Authority G-5 and 6, Dwarika, New Delhi.
10. The Regional Officer NHAI S.K. Puri, Patna.
11. The District Magistrate, Kishanganj.
12. The District Land Acquisition Officer, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. P.K.Shahi, Sr. Advocate, Amicus Curiae

For the State of Bihar : Mr. Anjani Kumar, AAG-4
Mr. Alok Kumar Rahi, AC to AAG-4

For the NHAI : Dr. K.N.Singh, ASG
Ms. Iti Suman, Advocate
Mr. Kumar Priya Ranjan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)



Date : 28-01-2022

Heard learned counsel for the parties.

In this petition, we are dealing with the construction of 2nd Flyover (LCW) Parallel to existing Flyover in Kishanganj town/NH-31.

The instant petition was registered pursuant to our directions issued in CWJC No. 8900 of 2020, titled as **The National Highway Projects in the State of Bihar Vs. the State of Bihar & Ors.**

On 25th of March, 2021, we had directed the respondents to take effective steps ensuring completion of the project within time.

On 23rd of July, 2021, we recorded the progress, as indicated in the affidavit filed by both, National Highway Authority of India as also the Road Construction Department, Government of Bihar.

Subsequently, on 23rd August, 2021, we had directed Shri Aamir Subhani, the then Development Commissioner, Government of Bihar to call for a meeting of all the stakeholders ensuring early compliance of the project.

Today, our attention is invited to the affidavit filed by the Deputy General Manager (Technical) -cum-Project Director, NHAI, Bihar *inter alia* stating as under:-

“3. That a total of 31.8 km length of road is to be made with the progress of the project at 84%. The Project would eventually get completed by 30.04.2022.

4. The status of the Project is attached herewith:

2nd Flyover in Kishanganj Town on NH-31.

The Project has been awarded as per details given under:



S.No.	Project Name	Length (Km)	Award Cost (Cr)	Agency Name	Date of Award	Scheduled project completion date	Likely Completion date	Physical Progress
1.	2 nd Flyover in Kishanganj Town	3.18	129.20	M/s Bihar Rajya Pul Nirman Nigam Limited	28.03.2018	28.06.2020	30.04.2022	83.46%
District				Kishanganj				
Issues				All issues resolved. At present work is going on with physical progress 83.46%.				

i. Status of obstruction over land & structure in Land Acquisition Proceeding.

ii. That it is stated and submitted that there are no issues in the project and the project is likely to be complete by 30.04.2022. At present work is going on with physical progress 83.46%.”

We find that the progress is quite satisfactory and the work, as per the averments made in the affidavit, reproduced supra, is to be completed on or before 30th April, 2022. No other issues remain to be sorted out by the authorities.

As such, we find that the authorities have already taken all remedial measures ensuring early completion of the project.

We place on record the assistance rendered by Shri P.K.Shahi, learned *Amicus Curiae* as also Shri Anjani Kumar, learned AAG-4, Dr. K.N.Singh, learned Addl. Solicitor General, Shri Kumar Priya Ranjan, learned C.G.C.

We also place on record the efforts put in by Shri Aamir Subhani, the then Development Commissioner in ensuring early



completion of the project.

With this observation, we close the present proceedings with direction to the Regional Officer, NHAI to file compliance report by 10th of May, 2022.

Liberty reserved to any spirited person to raise the issue, subject matter of the present *lis*, should the need so arise subsequently.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

Sujit/Ashwini

(S. Kumar, J)

AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2022
Transmission Date	

