

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11938 of 2022

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Kalyan Kumar Singh Son of Rabindra Nath Singh Resident of Dak Bangala
Road, Tara Bhawan, P.S.- Mokama, District- Patna- 803302

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Road, Transport and Highway, Government of India, New Delhi.
2. The Secretary, Ministry of Road, Transport and Highway, Government of India, New Delhi.
3. The Project Director, National Highway Authority of India PIU Unit- Purnea, Bihar.
4. The Principal Secretary, Department of Road Development, Government of Bihar, Patna.
5. The District Magistrate, Araria, Bihar.
6. The Sub-Divisional Officer, Araria, Bihar.
7. The Executive Engineer, National Highway Division, Purnea, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate Mr. Sumit Shekhar Pandey, Advocate
For Union of India	:	Mr. Krishna Nandan Singh, ASGI Mr. Naresh Dikshit, Advocate Mr. Kumar Sachin, C.G.C Mr. Sriram Krishna, Advocate Mr. Vivek, Advocate
For NHAI	:	Mr. Prabhu Narayan Sharma, AC to AG Mr. Sanat Kumar Mishra, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-11-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(i) Direction to the Respondent Authorities to
stop the complete operation in terms of plying of



all heavy vehicles as well as light vehicles on the Bhelwa Bridge, situated at Araria-Bahardurganj Road, in District Araria, under SE NH Circle, Purnea, which comes under the category of Major Bridge with Departmental Chainage 89+000, with immediate effect, till the disposal of the present writ application in the nature of PIL, since the said bridge is a 50+ years old and is damaged to the extent that an unforeseen and fatal accident on the said bridge can take place anytime

(ii) Quashing the order dated 16.07.2022 vide Memo No. 1769/C, passed by the District Magistrate, Araria, whereby and whereunder, heavy traffic movement has been allowed on the Bhelwa bridge, which falls under the NH-Purnea Division.

(iii) Direction to restore the order dated 22.04.2022, vide Memo No. 906/C, whereby and whereunder, the heavy traffic movement was directed to be ceased on account of the distressed and damaged condition of Bhelwa bridge, as the same was found to be ascertained on the inspection report dated 03.01.2019 by K&J Projects Pvt. Ltd.

(iv) Direction to the Respondent Authorities to appoint any responsible and trustworthy agency to conduct a fresh Inventorization and Inspection of Bhelwa Bridge, situated at Araria-Bahadurganj Road, in District Araria and submit its analysis report with regard to the said bridge along with the recommendations and suggestive



for purpose of repair of the damage so found on analysis.

(v) Direction to keep the operation of all kinds of vehicle seized on the said bridge till the repair of the bridge is not completed and the inspection thereof is not conducted so as to assure that the said bridge is fit to be operational.

(vi) Issuance of writ in the nature of Mandamus directing the Respondent Authorities to repair the damage persisting on the bridge according to the suggestive and recommendations made by the agency after Inventorization and analysis of the bridge and bear the load of heavy vehicles passing through.

(vii) Direction to the Respondent authorities to keep the bridge in a healthy and fit condition by its regular maintenance.

(viii) For such other relief/reliefs for which the petitioner may be found entitled to in the facts and circumstances of the present case.”

Highlighting the condition of 50 years old bridge over Bhelwa River, situated at Araria-Bahadurganj Road, District-Araria, petitioner approached this Court seeking a direction for- (a) Stopping the heavy vehicular traffic on the bridge; (b) Repair and restoration thereof.

In response, National Highway Authority of India has filed its affidavit dated 20.09.2022, *inter alia* reading as under:



“2. That as referred to in the Counter affidavit dated 03/9/2022, filed on behalf of the answering respondent no. 3, the third party NDT of existing structures of the Belwa Bridge at 91+413 of NH-327E was conducted through an expert agency and recommended tests were performed. After the Rebound Hammer Test and Ultrasonic Pulse Velocity Test, the report has been submitted to the answering respondent vide letter Ref. No. GBAHPL/BA- AR/2022/368 dated 14/09/2022.

3. That from bare perusal of the report dated 14/9/2022 it is apparent that the condition of the Belwa Bridge is satisfactory and does not warrant restriction on plying heavy vehicles and there is no requirement for restraining the heavy vehicles on the said Belwa Bridge.”

In view of the aforesaid status, the only direction which can be issued to the respondents, including NHAI, is to ensure that periodical inspection is got conducted through the nominated agencies and the bridge, under all circumstances and for all times to come, is kept roadworthy, ensuring plying of the vehicles.

The present petition stands disposed of in the aforesaid lines, reserving liberty to the petitioner or any other public spirited person to highlight the issue, should the need so



arise.

Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	30.11.2022
Transmission Date	

