

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2745 of 2022

=====

Nitish Kumar S/O Late Binay Singh R/O Village - Hasanpura, P.S. - Beur,
District- Patna (Bihar), Pin Code - 800002.

... .. Petitioner/s

Versus

1. The Union of India through the Chief Secretary of the Government of India, New Delhi.
2. The Ministry of Road Transport and the NHAI through the Minister of the Concerned Department, New Delhi.
3. The Nodal Officer, NHAI
4. The Regional Officer, Ministry of Road Transport and Highway.
5. The Chief Officer, National Highway Authority of India (Head Quarter).
6. The Regional Officer, North, National Highway Authority of India.
7. Project Director, National Highway Authority of India.
8. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
9. The Principal Secretary Road Construction Department, Government of Bihar, Patna.
10. The Development Commissioner, Government of Bihar, Patna.
11. The Commissioner, Patna Municipal Corporation, Patna.
12. The District Magistrate, Patna.
13. The D.M. Bhojpur at Ara.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Dr. Chandra Shekhar Azad, Advocate
For the Respondent/s : Dr. Krishna Nandan Singh, ASG

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 06-09-2023 The learned counsel for the NHAI points out from the counter affidavit dated 08.04.2022 that the project itself has been foreclosed and there is a proposal for an elevated Highway especially considering the high cost of acquisition and the indefinite time which would be required for such acquisition



proceedings to be completed. Paragraph nos.17 and 18 of the affidavit are specifically extracted hereunder:

“17.That looking in to a very high LA cost and indefinite time required for Land Acquisition, foreclosure of PKG-I ie. four laning of Patna-Koilwar section of NH-30 was processed and finally, NHAI, HQ intimated to agency for termination of contract agreement, vide letter dated 26.12.2018.

18.That thus the project has been terminated, now instead of Patna - Koilwar project the new project of 4-laning elevated corridor has been proposed from Danapur to Bihta and state govt. has agreed to give the required land. This is in replacement of terminated project i.e. Patna-Koilwar section of NH-30. Bid documents are under finalization and will be submitted to NHAI HQ for necessary approval, shortly. The alignment is finalized however, some technical issues are taken up with Railways and approval of GAD from Railways is yet to be obtained. The same is being taken-up through DPR consultant.”



The learned counsel appearing for the petitioner however submits that the petitioner is specifically concerned with the road from Patna to AIIMS and that there is congestion of that road especially due to the patients coming to the Super Specialty Hospital. However, it has to be noticed that the larger question of the National Highway was addressed in the writ petition. The four-laning of Patna-Koilwar section by the NHAI was the consideration in the writ petition and the petitioner is concerned, only with respect to a short stretch between Patna to AIIMS.

The NHAI having foreclosed the proposal for four-laning, that too based on reasonable grounds and an alternate proposal is also being explored, we do not think that there is any requirement to keep the writ petition pending.

The writ petition stands closed.

The petitioner would be entitled to raise the contention regarding the stretch between Patna & AIIMS before the appropriate authority under the State Government.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Saurabh/Bibhash

U			
---	--	--	--

