

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4971 of 2023

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Ramji Prasad Singh, aged about 68 years (Male) son of Late Ram Kishun Singh, Resident of Village Barahiya (English), P.S. Barahiya, District Lakhisarai, the Chairman of Bypass Raiyat Vikash Morcha.

... .. Petitioner

Versus

1. The Union of India through the Chief Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
2. The Chief Secretary, Ministry of Road Transport and Highways, Government of India, New Delhi.
3. The Chairman, National Highway Authority of India, Dwarka, New Delhi C1/15.
4. The Regional Manager cum Director National Highway Authority of India
5. Managing Director cum Project Director, N.H.A.I. Pakar, Begusarai, P.S. and District Begusarai.
6. The Regional Officer, National Highway Authority of India, Shiv Mitra Apartment, 1st Floor, Viveka Nand Marg, Boring Road, Patna-13 (Bihar).
7. The Project Director, NHAI (National Highway Authority of India) Project Unit (Pakar) Munger Zila Parishad Office Building, Munger (Bihar).
8. Project Officer, NHAI (National Highway Authority of India) (Unit Munger), Shiv Lakshmi Colony near Kutchahari Road, Bhagalpur (Bihar).
9. The State of Bihar through the Collector, Lakhisarai, P.S. and District Lakhisarai.
10. The District Land Acquisition Officer, Lakhisarai.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Devendra Prasad Singh, Advocate
For the State	:	Mr. Vikash Kumar, AC to AG
For the NHAI	:	Mr. S. N. Pathak, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)**

Date : 07-04-2023

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the National Highways Authority of India (*for brevity 'NHAI'*).

2. The writ application seeks issuance of a direction upon the respondent authorities for payment of compensation to the landholders with interest in respect of acquisition of lands for *Barahiya* Bypass road and for construction of the road as also for restraining the collection of toll tax from the road in-question.

3. The petitioner has made averment in the writ petition that the declaration for acquisition was issued under Section 3- D of the National Highways Act, 1956 (hereinafter referred to as 'the Act'). The process, thereafter, was carried out up till the stage of 3-G being the stage of determination of amount payable by the NHAI as compensation. The said averment, in the writ petition, is not supported by any material.

4. From perusal of Annexure-13, copy of letter dated 19-12-2022, said to have been issued by the Project Director, NHAI, Project Implementation Unit, Munger, to the Regional



Officer of the NHAI at Patna, it appears that after issuance of declaration under Section 3-D with respect to proposed *Barahiya* Bypass road, funds had been transferred to the concerned Land Acquisition Officer. Thereafter, in terms of one letter issued from the Headquarters of the NHAI on 17-10-2013, the funds were returned to the NHAI since it was decided to abort the proposed *Barahiya* Bypass road.

5. Averment made in paragraph No. 10 of the writ petition further reveals that the petitioner is claiming to have been dispossessed, as a result of the alleged acquisition by the NHAI, whereas he has not been paid any money. The petitioner clearly has a personal interest in the instant case.

6. From the pleadings on record, it is clear that no Public Interest is espoused by the petitioner, with reference to any material. If lands of the petitioner or anyone else has been acquired by the NHAI or by the State of Bihar, the remedy for claiming compensation by those who are entitled to the same, at rates which are to be determined in accordance with the Statute, are best left to the Authorities to be considered, in accordance with law. There is no reason for keeping the instant writ petition, by way of Public Interest Litigation, pending or for passing any order thereupon.



7. The proceedings are, thus, closed and writ petition is dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	13-04-2023
Transmission Date	

