

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6894 of 2023

1. Sanjay Kumar, Son of Shila Chand Das, Resident of Ward no. - 28, Par Nawada, Gondapur, P.S. - Town, District- Nawada
2. Md. Shami Ahmad, Son of Md. Kamal Uddin, Resident of Nim Tola, Near Dayal Public School, P.S. - Town, District- Nawada
3. Jitendra Kumar, Son of Vijay Lal, Resident of Sadbhawana Chok, Par Nawada, P.S. - Town, District- Nawada
4. Manoj Kumar, Son of Mathura Prasad, Resident of Mirdahtoli, Par Nawada, Gondapur, P.S. - Town, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna
2. The District Magistrate, Nawada
3. National Highway Authority of India through its Chairman, Sector- 10, Dwarka, New Delhi
4. Regional Officer National Highway Authority of India, D-63, 1st Floor, Srikrishnapuri, Patna
5. Project Manager National Highway Authority of India, Regional Office, D-63m 1st Floor, Srikrishnapuri, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2, Advocate
For the Respondent/s	:	Mr. Amit Prakash, GA-13
For the NHAI	:	Mr. Kumar Gautam, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 21-07-2023

Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. The instant writ application has been filed in the
nature of a Public Interest Litigation by the petitioners praying
for a direction to the respondent authorities to construct fly-over



upon the railway crossing of service lane near Sadbhawana Chowk in Nawada, where according to the petitioners an over-bridge has been constructed by the National Highway Authority of India (NHAI). A further direction has been sought to the NHAI to construct the elevated bridge instead of over-bridge at the said place.

3. It is the contention of the petitioners, of which petitioner no. 3 is a resident of Sadbhawana Chowk, Nawada, that during construction of the four lane of NH-31, the NHAI decided to construct an over-bridge upon the railway crossing near Sadbhawana Chowk, Nawada and even the construction of the bridge started. However, there was protest by the public for construction of an elevated bridge instead of the over-bridge.

4. Having heard learned counsel for the parties and having perused the contents of the writ application, the Court finds that for construction of four lane of Rajauli-Bakhtiyarpur section of NH-31, tender notice was issued in the year 2020. Although, it has been stated that the construction of over-bridge was started by the NHAI, however, the date of its commencement or at what the stage the construction has reached has not been mentioned.

5. It was submitted by learned counsel appearing for



the NHAI that so far as the construction of an over-bridge, as is being done in the instant case, or an elevated bridge, as is sought to by the petitioners, by the NHAI is concerned, the decision is taken after taking into consideration a number of factors which includes the place of construction, the requirement, the feasibility etc.

6. Thus, from the submissions made above, this Court is of the opinion that the same being a decision by the experts in the NHAI, it would not be proper for this Court to interfere in the same, also in absence of any material in the writ application in support of the petitioners’ case. The Court finds no merit in the instant application and the same is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	01.08.2023.
Transmission Date	N/A

