

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3231 of 2022

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Mukesh Kumar Thakur (NH-28-4L of Muzaffarpur- Barauni Section) Son of
Maheshwar Thakur Resident of Mohalla- Budh Nagar, Road No.3,
Kankarbagh, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Ministry of Road Transport and Highway Authority of India, New Delhi.
2. The Secretary, Department of Ministry of Road Transport and Highway Authority of India, New Delhi.
3. The National Highway Authority through its Chairman.
4. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
5. The District Magistrate, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Thakur (In Person)

For the Respondent/s : Dr. K. N. Singh, ASG

Mr. Sumar, C.G.C.

Mr. Devansh Shankar Singh, Advocate

Mr. Abhijeet Gautam, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-01-2024

The subject of the above Public Interest Litigation is
the proposal of making a two lane road into a four lane



road. The two lane road was constructed by a Concessionaire who was also given the authority to collect the toll from the said road. On the last occasion, we had directed the NHAI to place on record the specific period for which Concessionaire has been given the right to operate the road and the hindrance, if any, in converting the two lane road into a four lane road.

2. Today, it is submitted on instructions that as per the earlier contract with the Concessionaire, the Concessionaire's period is up to 2033. This is hedged in with the rider that, if the traffic crosses over 25,000 vehicles per day, then the Concessionaire would have to handover the road for further modifications. As of now there are only 13,000 vehicles using the road, is the submission made. It is also expected that by 2027, the vehicular traffic would cross 25,000 per day. Even as per the estimate of the NHAI, further construction would be required and the widening of the road necessitated, only on the vehicular traffic crossing 25000 vehicles on a day.

3. In such circumstances, we do not see any way to keep the Public Interest Litigation pending. The writ



petition would stand closed directing the NHAI to carry out periodic assessment of the vehicular traffic on the road.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.01.2024
Transmission Date	

