

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14133 of 2023

Manoj Kumar Chaudhary, resident of Village-Mansapur, P.S.-Laukahi,
District-Madhubani, presently Chairman, Maa Mansa Devi Pooja Samiti,
Mansapur, P.S.-Laukahi, District-Madhubani.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Road Transport and Highways, Government of India, New Delhi.
2. The Secretary, Road Transport and Highways, Government of India, New Delhi.
3. The National Highways Authority of India through its Member (Administration) G 5 and 6, Sector-10, Dwarka, New Delhi 110075.
4. The Chairman, National Highways Authority of India, G 5 and 6, Sector-10, Dwarka, New Delhi 110075.
5. The Member (Administration), National Highways Authority of India. G 5 and 6, Sector-10, Dwarka, New Delhi 110075.
6. The Project Director, Regional Office, National Highways Authority of India, Patna.
7. The Collector, Madhubani.
8. The Sub Divisional Officer, Phulparas, P.S.-Phulparas, District-Madhubani.
9. The Block Development Officer, Laukahi, P.S.-Laukahi, District-Madhubani.
10. The Circle Officer, Laukahi, P.S.-Laukahi, District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Baleshwar Kamat, Advocate
For the UOI	:	Dr. K.N.Singh, A.S.G.
		Mr. Awadesh Kumar Pandey, CGC
		Mr. Shivaditya Dhari Sinha, AC to ASG
For the NHAI	:	Mr. Dr. Anand Kumar, Advocate
For the State	:	Mr. Manoj Kumar Ambastha, SC 26
		Mr. Tripurari Nath Ambastha, AC to SC 26

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-04-2024

The above writ petition is filed for a direction to the
respondent authorities of the National Highway Authority of



India to construct a temple with two deities in a site provided by the villagers of Mansapur. It is alleged that the respondent authorities, specifically the officials of the NHAI, had given an undertaking which they are now resiling from. The villagers had provided an identified site for construction of temple and the cost of construction was to be borne by the NHAI. Though the same was agreed upon, the NHAI later backed out.

2. The petitioner claims to be the Chairman of the Pooja Samiti of the temple and is stated to have filed the writ petition in a representative capacity for reason of the villagers having directed to file the instant public interest limitation.

3. There is nothing produced in the writ petition to establish an undertaking given by the NHAI or even an indication of the site in which the NHAI had agreed to construct the temple. The documents produced are all representations and estimates; which are not properly authenticated. The petitioner has also made reference to BSCPL Infrastructure Ltd. and alleged that they are not paying the money for the construction of the temple to the villagers; but it has not been impleaded in the party array.

4. The NHAI has filed an affidavit dated 07.03.2024, wherein it is specifically stated that the NH-104, construction of



which raises the question agitated in the case, is under the NH Division, Road Construction Department, Sitamarhi, Government of Bihar and not under the NHAI. Hence, definitely, the assertion that an undertaking was made by the NHAI officials that the temple would be constructed with two deities at an identified site, is a deliberate falsehood.

5. We also see that the Circle Officer, Laukahi, Madhubani has filed a detailed counter affidavit. According to him, on 06.12.2022, the idols from the old temple were shifted with protection of the police force to the newly constructed temple in the presence of the Magistrate and the villagers. The entire process of shifting was duly photographed and the copy of the photographs are also annexed as Annexure-R/G. It is also stated that the Revenue Clerk has reported to the Circle Officer that regular Puja Path, Rag Bhog is performed in the temple, which report is annexed as Annexure-H. The new temple was constructed out of the money sanctioned by the State Government.

6. Hence, obviously, the writ petition filed as public interest litigation is misconceived, for there cannot be any public interest litigation filed for shifting of a temple already constructed. Further, the new construction having been carried



out has not been mentioned in the writ petition; which is a clear suppression of fact. The undertaking said to have been made by the NHA officials also is found to be a deliberate falsehood.

7. Considering the entire circumstances, we are of the opinion that the writ petition is to be dismissed with exemplary costs of Rs. 15,000/- to be paid by the petitioner to the Bihar State Legal Services Authority. We do so. The costs will have to be paid within a period of two weeks and if not, the Bihar State Legal Services Authority shall be entitled to proceed for recovery by taking measures similar to recovery of arrears due on land through the District Magistrate, in which event the petitioner shall be liable for the charges incurred for making such recovery, which have to be recovered by the State.

8. Let a copy of this judgment be transmitted to the Member Secretary, Bihar State Legal Services Authority.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	20.04.2024
Transmission Date	

