IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.153 of 2026
In
Civil Writ Jurisdiction Case No.3648 of 2026

CNR No. BRHC010872912026

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Shailendra Kumar Singh, Son of Late Keshav Prasad Singh Resident of Village Simri Khurd, Post Matpa, Police Station Kutumba, District Aurangabad, Bihar.

... ... Petitioner/s

Versus

1. State of Bihar through the Chief Secretary, Government of Bihar Patna.
2. Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. District Magistrate, Aurangabad.
4. National Highway Authority of India, through its Chairman, New Delhi
5. Project Director, NHAI, PIU Daltonganj.
6. Executive Engineer, Road Construction Division, Aurangabad.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Pankaj Kumar, Advocate.
For the Opposite Party/s : Mr.Lokesh Kumar, AC to AAG-4
For the NHAI : Mr. Sanat Kumar Mishra, Advocate.
Mr. Shantanu Kirti, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

4 29-10-2026 Heard learned counsel for the parties.

2. The present petition has been preferred by the petitioner seeking review of the order dated 15.07.2026 passed in CWJC No. 3648 of 2026, which came to be dismissed by observing as follows:

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"3. A counter affidavit has been filed on behalf of the N.H.A.I (Respondent Nos. 4 & 5). Following statements have been made in Para – 6, 8, 9 & 11:-

"6. That at the very outset, it is stated that the writ petitioner has not moved with clean hands and correct facts rather he has attempted to impress upon the Hon'ble court that the village or the petitioner had a regular road access which is being denied by the NHAI whereas the truth remains that one VUP has already been provided by the NHAI in the village on the already existing road and there was no other road either State Highway or District Main Road or even village of the concerned village opening on the Bypass/NH 98 at any other point.

8. That as per the provisions of the National Highways Act 1956, the Central Government appoints/notifies an officer as Competent Authority Land Acquisition under section 3a of the said Act. The Deputy Collector Land Reforms Aurangabad has been notified as the CALA in the instant case. For construction of Bypass, the notification under section 3A of the National Highways Act 1956 for acquisition of required land in Mouza Maharajganj Thana no. 557 for widening, maintenance, management and operation was published on 19.03.2018 by the CALA in the official gazette of India. The Notification mentions the details including the nature of land plots being acquired and accordingly it appears that khesra no. 249, 250, 595, 596 are government land but the khesra no. 595 is recorded as Pind (a mound), 596 as khanta (ditch) and khesra no. 250 as Road. The road is more than 3m wide and is used for pedestrians as well as all types of vehicles.

9. That as per the norms, Vehicle Under Pass has been provided in the said Bypass at plot no. 250 to facilitate the villagers and others to communicate easily and safely.

11. That although the writ petitioner has not mentioned any plot no. in his representations

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and pleadings, the writ petitioner for his own interest has been insisting for construction of Vehicle Under Pass at the khesra no. 595 where there is no road. It is stated and humbly submitted that for VUP there should be a MDR, State Highway or even village road with good traffic flow which is not the case in the instant matter. In the plot no. 595 there was a deposition of earth by the side of the drainage in khesra no. 596 which might have been used by the people but it is not road. As such when one VUP already has been provided in the village Maharajganj Thana no. 557 and there is no other road with sufficient traffic, there is no feasibility for the another VUP. Passage and traffic is not blocked by NHAI. The fact that the NHAI has already provided one VUP in the village Maharajganj has been concealed and suppressed in writ petition in order to misrepresent and mislead the Hon'ble court. Hence the prayer of the writ petitioner is fit to be rejected."

4. Considering the statements as referred above, no further order is required to be passed in the present writ application.

5. With the aforesaid observation, the present writ application stands disposed of."

3. Upon perusal of the materials available on record, we are of the considered view that no case is made out warranting exercise of the power to review. No error apparent on the face of the record has been demonstrated so as to justify interference. It is well settled that the power of review cannot be exercised as an appellate jurisdiction.

4. In view of the aforesaid facts and circumstances, we find no merit in the present review application, and the same

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is accordingly dismissed.

5. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Sujit/-

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