

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.801 of 2026

1. Abhishek Neeraj @ Abhishek S/o Dayanand Mandal, R/o Patel Chauk, Ward No.- 24, P.S.- Forbesganj, Dist.- Araria, Bihar- 854318.
2. Mohit Goyal, S/o Ratan Lal Goyal, R/o Near Mahavir Bhawan, Ward No.- 5, R.B. Lane, P.S.- Forbesganj, Dist.- Araria, Bihar- 854318.
3. Kaushik Raj, S/o Krishna Mohan Sah, R/o 200 Hospital Road, Ward No. 6, Near Jagdamba Agency, P.S. Forbesganj, Dist.- Araria, Bihar - 854318.
4. Ashwani Kumar, S/o Rajendra Prasad Gupta, R/o Near Kali Mandir, Ward No. 24, P.S. Forbesganj, Dist - Araria, Bihar- 854318.
5. Uma Shankar Bhagat, S/o Ganga Prasad Bhagat, R/o Ward No. 6, Hospital Road, P.S. Forbesganj, Dist- Araria, Bihar- 854318.
6. Indrajeet Kumar Sah, S/o Ramu Sah, Ward No. 6, P.S. Forbesganj, Dist- Araria, Bihar-854318.
7. Bhupendra Kumar, S/o Radha Raman Sah, R/o Hospital Road, Ward No. 7, P.S. Forbesganj, Dist- Araria, Bihar- 854318.
8. Bharat Prasad Keshari, S/o Shiv Narayan Keshari, R/o Hospital Road, Ward No. 6, P.S. Forbesganj, Dist - Araria, Bihar- 854318.
9. Vikas Prasad Keshri @ Bablu Keshri, S/o Bihari Prasad Keshri, R/o Hospital Road, Ward No. 6, P.S. Forbesganj, Dist Araria, Bihar- 854318.
10. Sumit Kumar Agarwal @ Sumit Agarwal, S/o Ram Gopal Agarwal, Hospital Road, Ward No. 7, P.S. Forbesganj, Dist- Araria, Bihar- 854318.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Director, Land Acquisition Department, Government of Bihar, Patna.
4. The Chief Engineer, Bihar Rajya Pul Nirman Nigam Ltd., 7, Sardar Patel Marg, Patna, Bihar.
5. The Collector, Araria, Bihar.
6. The District Land Acquisition Officer, Araria, Bihar.
7. The Sub-Divisional Officer, Araria, Bihar.
8. The Circle Officer, Forbesganj, Araria, Bihar.
9. The Chairman, Railway Board, Ministry of Railways, Room No.- 256- A, Rail Bhawan, Raisina Road, New Delhi- 110001.



- 10. The General Manager, East Central Railways, Hajipur, Vaishali, Bihar.
- 11. Chief Administrative Officer, Construction, East Central Railway, Mahendrughat, Patna- 800004, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Avanish Kumar Singh, Advocate Mr. Mukul Kumar Singh, Advocate Mr. Kumar Balgovind Singh, Advocate
For the Respondent/s	:	Mr.GP-4
For respondent no.4	:	Mr. Piyush Kumar Pandey, Advocate
For the UOI	:	Mr. Kumar Samarjeet Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-03-2026 Heard Mr.Avanish Kumar Singh, learned counsel

for the petitioners, the State and learned counsel representing

Senior Project Engineer, Works Division, Katihar.

2. The present petition has been preferred for the
following relief/s:

*(i) for quashing the acquisition proceedings
initiated by the State of Bihar in Forbesganj
Circle for the construction of a Road Over
Bridge over Katihar-Jogbani Railway
section between Forbisganj-Bathnaha
station (Subhash Chauk) as far as it relates
to the acquisition of the lands of the
petitioners and others situated at Hospital
Road, Forbesganj, since the said acquisition
will be in teeth of various judgements of the*



Hon'ble Supreme Court and will seriously affect the right to livelihood of several families;

(ii) for staying the extension of the Road Over Bridge towards Hospital Road, Forbesganj, as it will lead to the demolition of more than 100 shops and houses that have been standing in the area for more than 60 years and will lead to unimaginable plight of the petitioners and thousand others who will be deprived of their only asset like small house, small industrial unit etc;

(iii) for directing the respondents to first use land belonging to the State government for the Road Over Bridge Extension construction towards Hospital Road, where enough land belonging to the State Government is available at Subhash Chauk, Forbesganj, where a bus stand is also operating;

(iv) for directing the respondents to come with an alternate plan for the Road Over Bridge Extension towards Hospital Road area Forbesganj, a blueprint of which has been provided by the



petitioners to the respondents, in terms of which there will be no requirement of any acquisition and demolition of the private land/houses/shops by the State government;

(v) for directing the respondents to strictly comply with the relevant statutory provisions and the rules of natural justice, before acquiring/demolishing private lands/houses/shops.

(vi) for any other relief or reliefs to which the petitioners are entitled in law.”

3. The matter relates to construction of road over the bridge extending towards Hospital Road, Forbesganj.

4. The claim of the petitioners is that 100 shops and houses have to be demolished causing unimaginable plights to them who have no other places to reside/do the business.

5. A counter affidavit has come on behalf of the Chief Engineer, Bihar Rajya Pul Nirman Nigam Ltd. respondent no.04 (henceforth for short ‘the Nigam’). It talks about an order passed by the Division Bench of Patna High Court in **LPA No. 1259 of 2024** (disposed of on 12.02.2025) in which it has been observed that technical decision cannot be interfered with by any Court.



6. Unfortunately, the said order dated 12.02.2025 in LPA No. 1259 of 2024 has not been made part of the record so that the same can be perused as also the petitioners could go through it so that the matter is taken to its logical conclusion on the date of hearing. Accordingly, a cost of Rs.500/- is imposed upon Senior Project Engineer, Works Division, Katihar who shall be paying the same from his own pocket to the Patna High Court Legal Services Committee and the receipt has to be filed in the office in a week failing which appropriate steps will be taken in accordance with law for the realization of the amount.

7. This Court has procured copy of the **LPA No. 1259 of 2024 in C.W.J.C. No. 4961 of 2022 (the Chairman, Bihar Rajya Pul Nirman Nigam Limited, Patna vs. Shambhu Prasad Gupta & Ors.)** passed by the Division Bench on 10.02.2025. The paragraphs 23 to 25 read as follows:

23. the technical decisions cannot be interfered with and no Court, in its wisdom, could substitute its opinion or the opinion of a writ petitioner for that of the specific inputs by the technocrats, who have taken an informed decision and have found the



suggestions of the writ petitioner to be absolutely unviable;

24. under these circumstances, in order to put a decent quietus to all these proceedings, we have examined all the three records, viz., L.P.A. No. 1259 of 2024, C.W.J.C. No 4961 of 2022 and M.J.C. No. 2175 of 2023 and we find that it would be in the interest of everyone that all three are closed and consigned;

25. We order accordingly.

8. At this stage, learned counsel for the petitioners, Mr. Singh submit that the respondents recently approached the local citizens whose houses/establishment are going to be affected and have returned on a positive note.

9. If that is so, it would be advisable that the affected persons and the respondents sit together and see to it whether there is any feasibility of change of alignment or not.

10. However, this Court refrains from giving any direction to the concerned authority in this regard following the order passed by the Division Bench in the case of the Chairman



vs. Shambhu Prasad Gupta (supra) case.

11. With the aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

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