

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8093 of 2019**

---

---

Pratijnya, Social Organisation

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

with

**Civil Writ Jurisdiction Case No. 2988 of 2022**

---

---

Vikas Kumar

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

---

---

**Appearance :**

**Appearance :**

(In Civil Writ Jurisdiction Case No. 8093 of 2019)

For the Petitioner/s	:	Mr. Manish Kumar, Advocate
For Union of India		Mr. Kumar Priya Ranjan, CGC Mr. Pallav, J.C. to Kumar Priya Ranjan
For the NHAI	:	Dr. K.N. Singh, ASG Dr. Maurya Vijay Chandra, Advocate Mr. Sriram Krishna, J.C. to A.S.G. Mr. Devansh Shankar Singh, J.C. to A.S.G. Mr. Amarjeet, J.C. to A.S.G. Ms. Anjali Kumari, Advocate Ms. Prakritita Sharma AC to A.S.G Mr. Gaurav Govinda, J.C.
For the State	:	Mr. Anjani Kumar, AAG-4 Mr. Alok Kumar Rahi, AC to AAG-4
For the Intervenors		Mr. Rajendra Narain, Sr. Advocate Mr. Nikhil Singh, Advocate Mr. Anshul, Advocate
For the G.M.C.		Mr. Ravindra Kumar Priyadarshi, Advocate
For the Concessionaires		Mr. Ray Saurav Nath, Advocate Mr. Amresh Kumar Jha, Advocate



(In Civil Writ Jurisdiction Case No. 2988 of 2022)

For the Petitioner/s : Mr. Vikas Kumar (In Person)  
For Union of India : Mr. Kumar Priya Ranjan, CGC  
Mr. Pallav, J.C. to Kumar Priya Ranjan  
For the NHAI : Dr. K.N. Singh, ASG  
Dr. Maurya Vijay Chandra, Advocate  
Mr. Sriram Krishna, J.C. to A.S.G.  
Mr. Devansh Shankar Singh, J.C. to A.S.G.  
Mr. Amarjeet, J.C. to A.S.G.  
Ms. Anjali Kumari, Advocate  
Ms. Prakritita Sharma AC to A.S.G  
Mr. Gaurav Govinda, J.C.  
For the State : Mr. Anjani Kumar, AAG-4  
Mr. Alok Kumar Rahi, AC to AAG-4

---

---

**CORAM: HONOURABLE THE CHIEF JUSTICE  
and  
HONOURABLE MR. JUSTICE S. KUMAR  
ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

52 12-05-2022 Shri Satya Prakash, District Land Acquisition Officer (DLAO), Jehanabad, who is present in Court, states that compensation for acquisition of land (petrol pump) already stands released in favour of the rightful claimants. He further states that yesterday, he himself along with the District Magistrate, Jehanabad, representative of the concessionaire and the Circle Officer, had visited the spot and apprised the parties operating the petrol pump that the possession had to be handed over to N.H.A.I. for construction of the National Highways.

Further the District Magistrate, Jehanabad has already taken steps for ensuring that the petrol pump is de-energised.



Statement accepted and taken on record.

We only hope that necessary action shall be taken within next ten days and the site free from encumbrances positively handed over to N.H.A.I.

It is always open for the District Magistrate, Jehanabad, being the licensing authority, who in fact had issued No Objection Certificate for establishment of the retail outlet, to take appropriate action in accordance with law.

Shri Ankit Katriar, learned counsel, who is present and appears for the Indian Oil Corporation, states that necessary action in accordance with law shall be taken positively within one week from today.

In the affidavit dated 10.05.2022 (Annexure-R11/C, Page 24 in CWJC No. 2988 of 2022) filed by the Concessionaire, namely, M/s Ram Kripal Singh Construction Pvt. Ltd., it is pointed out that at least eight structures need to be removed.

We direct the said structures, which are temples of different deities, falling within the District-Jehanabad, to be positively removed within a period of four weeks, as prayed for.

Needless to add, removal of all religious structures, has to be maintaining all sanctity and taking care of sentiments



of the local community, for which purpose, prudently the prominent members of the area/community be associated.

We are informed that the guidelines for removal of the religious structures are already in place, as issued by N.H.A.I.

With regard to other hindrances, as pointed out by the concessionaire in the very same affidavit (Annexure-R11/C, Page 26), we are informed that the issue can be best resolved with the concerned District Magistrate convening meeting of all the stake-holders, including the Regional Officer, N.H.A.I., who shall ensure that the entire land indicated in the said annexure is made available to the contractor without any hindrance.

Shri Sadre Alam, Regional Officer, N.H.A.I. states that he shall make himself available in the office of the District Magistrate, Jehanabad tomorrow at 10:00 A.M., so also Shri Saurav Nath, representative of the concessionaire shall remain present. Obviously, the District Land Acquisition Officer, Jehanabad would also be there.

Action taken report be filed before the next date.

**District-Gaya**

From the affidavit dated 12.05.2022, filed by Shri Thiyagrajan S.M., District Magistrate, Gaya, we find the core issues stand pointed out and major one being handing over the



site where schools are housed, both in Package-II and Package-III.

The District Magistrate, Gaya, who is present in Court, states that possession of four schools within package-III, shall be handed over to NHAI within next two weeks. In Package-II, there are six schools, which need to be relocated, for which land already stands identified.

We are of the considered view that alternative arrangement for housing the schools must be made immediately, be it by way of tagging or making available alternative accommodation for the functioning of the schools without causing much inconvenience to the children. But the possession of the land with respect thereto, must be handed over to N.H.A.I. at the earliest and preferably within a period of one month from today.

It is alleged that the concessionaire is delaying construction of the schools.

Considering the affidavit filed by the District Magistrate, Gaya, we are of the considered view that the Chairman/Managing Director of both the concessionaire companies must remain present in Court, more so when there is considerable delay and the time line for completion of work is



nearly coming to an end. The District Magistrate, Gaya to remain present in Court on Monday.

List on 16.05.2022.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Sujit/Ashwini

U			
---	--	--	--

