

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8137 of 2020**

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Rajiv Ranjan Singh

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate Mr. Shankar Kumar, Advocate Mr. Naresh Chandra Verma, Advocate Mr. Natraj Verma, Advocate
For the State	:	Mr. Anjani Kumar, AAG 4 Mr. Pawan Kumar, AC to AG
For the NHAI	:	Mr. S. D. Sanjay, Sr. Advocate Mr. Anshay Bahadur Mathur, Advocate

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

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

14 12-08-2021

On 23<sup>rd</sup> July, 2021, we had, *inter alia*, observed as

under:-

“The National Highway Authority of India and the State Government have filed their affidavit on 21.07.2021 from which it is evident that even though meeting was convened in the month of March, 2021, but at the ground level no concrete steps stand taken. It appears that the senior level officers of the State Government are committed for early completion of the project i.e. National Highway 77 (Hajipur-Muzaffarpur Section). The total length of the highway is 64 kilometers. It passes through Vaishali and Muzaffarpur districts.

We notice that till date compensation has not been disbursed. Though the National Highway Authority of India has deposited the amount with CALA, but the same has not been disbursed to the rightful claimants or deposited with the District Judge/District Magistrate concerned.



No explanation is forthcoming for not having taken appropriate action in accordance with law. Also the bus stand/ tempo stand and the police station has not yet been shifted. Though we are informed that in the meeting convened by the appropriate authorities for shifting the police station and the bus stand, certain proposal is pending consideration.

We are of the considered view that if the project is to be completed even within the extended period of time, then all hurdles must be removed and the authorities endeavour, in unison, on a war footing basis, to take all measures. No further laxity can be allowed as with each passing year not only the general public is put to inconvenience, but also the economic growth of Bihar is hampered, apart from the cost of the project being escalated.

As such, we further direct the District Magistrate as also the Superintendent of Police, Vaishali to immediately shift the bus stand/tempo stand situated at Ramashish Chowk for, in any case, the same is not constructed in an authorized manner. It has to be shifted to some other place. It may cause inconvenience to the passengers, but then all this would be temporary in nature, for the process of construction of a proper and authorized bus stand/tempo now stands initiated. No unauthorized bus stand/tempo stand can be allowed to function, more so when it causes hindrance in the early completion of the project.

Insofar as shifting of the police station is concerned, we are told that amicably the authorities have found a solution.

Be that as it may, we direct that under all circumstances the police station must be shifted on or before 31<sup>st</sup> of July, 2021 with the National Highway Authority of India facilitating such process.”

Pursuant to our directions contained in the said order, the Development Commissioner, Government of Bihar did convene a meeting amongst all the stakeholders. An affidavit dated 10<sup>th</sup> August, 2021 has been filed by the Additional Chief Secretary, Road Construction Department, Government of Bihar.

The purpose, obviously was to co-ordinate and



remove all obstacles for expeditious completion of the work of the contract awarded in the year 2010.

We notice that in Annexure-A, appended along with the said affidavit, no timeline is fixed for removal of the unauthorised bus stand and tempo stand at Ramashish Chawk (Nagar Parishad Hajipur). Pendency of any proposal for construction of an authorized stand or lack of funds cannot be a reason to allow continuance of such unauthorised use. No explanation is forthcoming as to why till date the bus stand and tempo stand has not been removed in terms of our earlier order, reproduced supra. Also, the Sadar Police Station has not yet been shifted.

Undisputedly, these three structures are causing obstruction in the expeditious completion of the project. Removal of such structures is absolutely imperative and warranted in public interest.

As such, we direct the District Magistrate of Vaishali to immediately and not later than 12:00 P.M. tomorrow, i.e. 13.08.2021, take appropriate action for removal of such structures.

We also direct the Director General of Police, Government of Bihar to provide adequate police force in



helping the district administration for removal of the unauthorised structures.

Affidavit of compliance shall be filed by the District Magistrate, Vaishali ensuring removal of structures and handed over of site to National Highway Authority of India.

For this purpose, matter be listed on Monday i.e. 16.08.2021 at 2:30 P.M when the District Magistrate of Vaishali shall also remain present through virtual mode.

We notice that there is inordinate delay in completion of the formalities under the provisions of the National Highways Act, 1956. Despite NHAI having deposited crores of rupees, the money has not yet been disbursed to the rightful claimants in terms of Section 3G of the Act. Unless and until, the amount is disbursed or deposited with the appropriate authority in accordance with law, the possession of the land cannot be taken over and handed over to the NHAI for carrying out construction of the road.

Reminding the authorities of the project initiated in the year 2010 and no action taken by them in this regard, we direct the District Magistrates of Muzaffarpur and Vaishali to immediately convene a meeting of all the officers/officials responsible for disbursing the amount ensuring needful action,



in the affirmative on expeditious basis.

The District Magistrates of Muzaffarpur and Vaishali, on the next date, shall apprise the court of the time frame, within which such action would be completed.

Let this matter be listed on Monday i.e. 16.08.2021 at 2:30 P.M. The District Magistrate, Vaishali and the District Magistrate, Muzaffarpur shall remain present in court through virtual mode. Let link be sent to them.

Let a copy of this order be sent to Sri Anjani Kumar, learned Additional Advocate General IV through electronic mode immediately for the needful.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

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