

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1784 of 2023

Nikhil Singh

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3489 of 2022

Rajiv Ranjan Singh

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3795 of 2022

Gaurav Singh

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3796 of 2022

Arvind Kumar

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5899 of 2022

Shubham Kumar Singh

... .. Petitioner/s

Versus

The Union of India & Ors.



... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13680 of 2022

Prabhat Kumar Singh

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 13681 of 2022

Yash Raj

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15786 of 2022

Nikhil Singh

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15787 of 2022

Nikhil Singh

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15788 of 2022

Nikhil Singh

... .. Petitioner/s



Versus
Union of India & Ors.
... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 15789 of 2022

Nikhil Singh
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Versus
Union of India & Ors.
... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 15790 of 2022

Nikhil Singh
... .. Petitioner/s

Versus
Union of India & Ors.
... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 15791 of 2022

Nikhil Singh
... .. Petitioner/s

Versus
Union of India & Ors.
... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 15792 of 2022

Nikhil Singh
... .. Petitioner/s

Versus
Union of India & Ors.
... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 15793 of 2022

Nikhil Singh



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Civil Writ Jurisdiction Case No. 15799 of 2022

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Union of India & Ors.

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with

Civil Writ Jurisdiction Case No. 15801 of 2022

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Nikhil Singh

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 15802 of 2022

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Nikhil Singh

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 15803 of 2022

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Nikhil Singh

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 15804 of 2022

Nikhil Singh

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Versus

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... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 15805 of 2022

Nikhil Singh

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Versus

Union of India & Ors.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 15806 of 2022

Nikhil Singh

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 15807 of 2022

Nikhil Singh

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 15808 of 2022

Nikhil Singh

... .. Petitioner/s

Versus

Union of India & Ors.



... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15809 of 2022

Nikhil Singh

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15810 of 2022

Nikhil Singh

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 1784 of 2023)

For the Petitioner/s : Mr. Rajiv Roy, Sr. Advocate
Mr. Sumeet Kumar Singh, Advocate
Mrs. Archana Sinha, Advocate
For the Union of India : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
For the State : Mr. P.K. Shahi, Advocate General

(In Civil Writ Jurisdiction Case No. 3489 of 2022)

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Respondent/s : Mr. Amit Prakash (GA-13)

(In Civil Writ Jurisdiction Case No. 3795 of 2022)

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC

(In Civil Writ Jurisdiction Case No. 3796 of 2022)

For the Petitioner/s : Mrs. Archana Sinha, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC

(In Civil Writ Jurisdiction Case No. 5899 of 2022)

For the Petitioner/s : Mr. Sriram Krishna, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC

(In Civil Writ Jurisdiction Case No. 13680 of 2022)

For the Petitioner/s : Mr. Sriram Krishna, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC

(In Civil Writ Jurisdiction Case No. 13681 of 2022)



For the Petitioner/s : Mr.Sriram Krishna, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15786 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15787 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15788 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15789 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15790 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15791 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15792 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15793 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15794 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15795 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15796 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15797 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15798 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15799 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate



For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15801 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15802 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15803 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15804 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15805 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15806 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15807 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15808 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15809 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC
(In Civil Writ Jurisdiction Case No. 15810 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Dr. K. N. Singh, ASG
Mr. Kumar Priya Ranjan, CGC

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 27-02-2023 Dr. K.N. Singh, learned Additional Solicitor General
of India, appearing on behalf of the respondent Union of India,
has submitted a list of Airports/Airstrips in the State of Bihar in



a tabular form, from which it transpires that out of 31 Airports/Airstrips in the State of Bihar, 21 are owned by the State Government, five belong to Ministry of Defence (hereinafter referred to as “MoD” and seven including two Civil Enclaves belong to Airport Authority of India (hereinafter referred to as “AAI”). As on date, there are three out of 31 Airports/ Civil Enclaves which are operational for civil flights in the State of Bihar, all belonging to the AAI.

He has informed this Court that the Airports/Civil Enclaves under the control of AAI are maintained by AAI. The non-operational airports at Raxaul, Muzaffarpur and Jogbani come under the control of AAI. He has also pointed out that AAI has constructed boundary walls at all the said airports at Raxaul, Muzaffarpur and Jogbani and AAI officials from Patna visit these airports from time to time to keep a check, and in case of necessity, assistance is taken from the district administration. He has also submitted that for the development of these three airports, AAI has made requests to the State Government to provide lands, which include 121 acres for Raxaul and 475 acres for Muzaffarpur. AAI has also proposed to develop Civil Enclave at Indian Air Force (hereinafter referred to as “IAF”) Airport at Purnea, which is under the stage of



planning. As regards the development, operationalization of other Airports/Airstrips, 21 State Government Airports/Airstrips and three AAI Airports (at Raxaul, Muzaffarpur and Jogbani) have been included in UDAN (Ude Desh ka Aam Nagrik) document. He has also submitted that no bids have been received from the airlines for the Airports/Airstrips other than Darbhanga, Gaya and Patna. He has pointed out that under UDAN 4.0 and 4.1, the State Government is required to sponsor routes between unserved and underserved Airports/Airstrips in that particular State. No route has been sponsored by the State Government under the said phases of UDAN. He has also pointed out that upon successful bidding under UDAN, if the State Government desires the airports to be maintained by the AAI, the State Government may sign Operation and Maintenance (O & M) agreement with the AAI.

For ready reference, we consider it apt to reproduce the tabular chart, in the present order which has been provided by Dr. K. N. Singh, learned Additional Solicitor General of India:-



“Airports / Airstrips in the State of Bihar

List of Airports / Airstrips in Bihar are as follows:

S. No	Airport / Airstrip	Operational Status	Owned By	Domestic/ International/ Customs	Runway in Meters
1	Darbhanga	Operational	MoD/CE	Domestic	2743 x 45
2	Gaya	Operational	AAI	Custom	2286 x 45
3	Patna (JPNI)	Operational	AAI	Custom	2072 x 45
4	Bihta	Operational (IAF)	MoD/CE	-	2500 x 45
5	Purnea	Operational (IAF)	MoD	-	2743 x 45
6	Jogbani (Forbseganj)	Non-Operational	AAI	-	1524 x 152
7	Raxaul	Non-Operational	AAI	-	1372 x 30
8	Muzaffarpur	Non-Operational	AAI	-	1219 x 30
9	Hathua	Non-Operational	MoD	-	1829 x 45
10	Jehanabad	Non-Operational	MoD	-	457 x 91
11	Arrah	Non-Operational	SG	-	-
12	Begusarai	Non-Operational	SG	-	762 x 90
13	Bettiah	Non-Operational	SG	-	-
14	Bhabua	Non-Operational	SG	-	594 x 91
15	Bhagalpur	Non-Operational	SG	-	1067 x 30
16	Bihar Shariff	Non-Operational	SG	-	594 x 91
17	Birpur	Non-Operational	SG	-	1097 x 90
18	Buxar	Non-Operational	SG	-	594 x 91
19	Chhapra	Non-Operational	SG	-	945 x 20 1463 x 45
20	Dehri/Sura	Non-Operational	SG	-	914 x 91
21	Katihar	Non-Operational	SG	-	457 x 91
22	Kishanganj	Non-Operational	SG	-	996x30
23	Madhubani	Non-Operational	SG	-	914 x 30
24	Motihari	Non-Operational	SG	-	594 x 91
25	Munger	Non-Operational	SG	-	758 x 20
26	Naria	Non-Operational	SG	-	457 x 91
27	Panchanpur	Non-Operational	SG	-	1829 x 45 1829 x 45
28	Saharsa	Non-Operational	SG	-	914 x 45
29	Samastipur	Non-Operational	SG	-	470 x 97
30	Sitamari	Non-Operational	SG	-	-
31	Valmiki Nagar	Non-Operational	SG	-	1100 x 30



Mr. P.K. Shahi, learned Advocate General, Bihar has filed a counter affidavit on behalf of the State of Bihar, sworn by the Officer on Special Duty, Cabinet Secretariat, Government of Bihar, Patna. He has submitted, with reference to the said counter affidavit that the State Government is focusing its efforts to develop airports at Patna, Bihta, Gaya, Darbhanga and Purnea. He has submitted that whereas Patna International Airport (J.P.N.I.A) serves 10 districts, namely, Patna (Bihta), Buxar, Bhojpur, Saran, Vaishali, Samastipur, Begusarai, Lakhisarai, Sheikhpura and Arwal, the airport at Gaya serves nine districts, namely, Gaya, Kaimur, Rohtas, Jehanabad, Aurangabad, Nawada, Nalanda, Jamui and Bhabhua. It has been stated in the counter affidavit that Purnea Airport would serve nine districts, namely, Purnea, Kishanganj, Araria, Madhepura, Katihar, Bhagalpur, Banka, Munger and Khagaria. Darbhanga Airport serves the districts of Darbhanga, West Champaran, East Champaran, Sitamarhi, Sheohar, Madhubani, Muzaffarpur, Siwan, Gopalganj and Bettiah. There is statement made in the affidavit that the said four airports cover almost all districts of Bihar and distance of most of the places from the aforesaid airports is not more than 100 K.M. It has also been stated in the counter affidavit that eight airports have been included under



Regional Connectivity Scheme (RCS)-UDAN of Ministry of Civil Aviation (hereinafter referred to as “MoCA”), namely, Darbhanga, Gaya, Purnea, Bhagalpur, Begusarai, Kishanganj, Balmikinagar and Muzaffarpur, out of which the airports at Darbhanga and Gaya are presently operational and for the rest of the six airports, no airline operator has shown interest. It has further been stated that if proposal comes from any airline(s), the State will consider for development of such airport(s) also.

What emerges from the counter affidavit, which has been filed on behalf of the State Government, is that the State Government is also of the view that there is requirement of an airport at Purnea. The length of runway of Purnea Airport is more than any other airport in the State of Bihar.

We have been made to understand that certain steps were taken for establishing an airport at Purnea.

Whether a particular place should have an airport or not, is a matter exclusively within the domain of the executive. The High Court exercising writ jurisdiction under Article 226 of the Constitution of India does not normally interfere in such matters. However, since it is the stand of the State Government itself that there is proposal to have an airport at Purnea to cater the need of nine major districts of the State of Bihar, we expect



the State Government to inform this Court as to what steps have so far been taken and what steps can be taken in future for having an airport at Purnea.

There is another aspect, which is also of serious concern. As would be evident from the chart supplied by Dr. K.N. Singh, learned Additional Solicitor General of India, most of the Airports/Airstrips in the State of Bihar are non-functional. It has emerged during the course of hearing of these matters that substantial unauthorized encroachments have been caused by the local inhabitants over the lands belonging to the State Government/AAI/MoD meant for the Airports/Airstrips in the State of Bihar. It has also emerged that such lands are not properly maintained and have remained uncared.

In the facts and circumstances of the case, as emerging from the submissions advanced at the Bar, we direct all the District Magistrates in the State of Bihar with the assistance of the AAI, MoD/concerned Defence Estate officials and Directorate of Civil Aviation, Government of Bihar to identify the illegal encroachments caused on the lands meant for airports/airstrips in their respective jurisdictions and take immediate steps for removal of such encroachments.

We further expect the AAI, Union of India and the



State Government to make a comprehensive plan for maintenance of such airports/airstrips in the State of Bihar which are not operational and the lands have remained uncared because of their non-use.

List these matters on 27.03.2023, at 2:15 P.M, when the respondents shall be required to inform this Court by way of affidavits disclosing the steps taken in the meanwhile, in light of the present order.

(Chakradhari Sharan Singh, ACJ)

(Madhuresh Prasad, J)

sujit/PKP

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