

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3796 of 2022

Arvind Kumar

... .. Petitioner/s

Versus

The Union of India

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3795 of 2022

Gaurav Singh

... .. Petitioner/s

Versus

The Union of India

... .. Respondent/s

Appearance :

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

For the Petitioner/s : Mr. Archana Sinha @ Archana Shahi, Advocate

For the Respondent Nos. 1 to 8 : Dr. K.N. Singh, (ASG)

For the Respondent Nos. 9 to 14 : Mr. Lalit Kishore (AG)

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

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

For the Respondent Nos. 1 to 7 : Dr. K.N. Singh, (ASG)

For the Respondent Nos. 8 to 21: Mr. Lalit Kishore, (AG)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

31 07-03-2022

Mrs. Archana Sinha, learned counsel for the petitioner

invites our attention to the issue of the need for expansion of airports/making all of them fully functional and operational, situate within the State of Bihar.

It is averred that even though for expansion of Patna Airport, a sum of Rs. 1216.9 crores was sanctioned, but only 32% of the amount thereof stands utilized. The project is



scheduled to be completed sometime in December 2023 and there is huge delay in execution thereof.

Similar grievance is also pointed out with respect to the airport at Gaya. Expansion of the said airport, which would cater to tourists from international destinations is delayed inordinately.

One common factor for delay is lack of acquisition of required land.

We may also observe that while hearing CWJC No. 7302 of 2020 titled as Gaurav Kumar Singh Vs the Union of India, we had passed the following order on 25th of February, 2022:-

“We are informed that acquisition proceedings for expansion of the Airport at Gaya have yet not been completed, may be for whatever reason. We are also informed that similar is the situation insofar as Patna, Purnea and Darbhanga are concerned.

We request Shri Lalit Kishore, learned Advocate General as also Dr. K.N.Singh, learned Additional Solicitor General, to ascertain the exact information from the respective authorities and more specifically, the District Magistrates with regard to initiation and completion of the acquisition proceeding for setting up/expansion of the airports, not only at the places referred to above, but also all other airports within the State of Bihar.

Shri Sumeet Kumar Singh, learned counsel for the petitioner, states that he shall also of his own make



an endeavour in this regard.

List on 04.03.2022.”

In reference thereto, today learned Advocate General has placed on record communication dated 29th of October, 2021.

Quite evidently, in relation to the project for expansion of airport at Gaya, following appeals are pending adjudication before this Court:-

F.A. No. 167/17, 168/17, 169/17, 170/17, 171/17, 172/17, 173/17, 174/17, 175/17, 176/17, 177/17, 178/17, 179/17, 180/17 and 181/17.

In so far as the Project at Purnea is concerned following appeals/petitions are pending before this Court.

(1) C.W.J.C. No. 22386/2019 titled as Shrikant Yadav & ors. (2) C.W.J.C. No. 23521/2019 titled as Raj Kumar Mehta & Ors. (3) C.W.J.C. No. 24341/2019 titled as Vijay Mahto alias Vijal Mehta & Ors. (4) C.W.J.C. No. 483/2020 titled as Shiv Pujan Mehta & Ors. (5) C.W.J.C. No. 2009/2020 titled as Rana Pratap Mehta & ors. (6) C.W.J.C. No. 25794/2019 titled as Ramesh Mehta & Ors. (7) C.W.J.C. No. 1885/2020 titled as Dev Narayan Paswan & ors. (8) C.W.J.C. No. 2623/2020 titled as Yoganand Mehta & Ors. (9) C.W.J.C. No. 1833/2020 titled as



Ganga Prasad Mehta & Ors.

In the connected matter (CWJC No. 3795 of 2022), Sri Sumeet Kumar, learned counsel for the petitioner invites our attention to communication dated 2nd of March, 2021 that of the Airports Authority of India, in response to the petitioner's request made pursuant to order dated 23.12.2020 (Page No. 15) passed in case No. 9591 of 2020, titled as Gaurav Kumar Singh Vs The Union of India & Ors.

At this point in time airports at Bhagalpur, Forbesganj (Jogbani), Munger, Raxaul and Muzaffarpur are non-functional, be it for whatever reasons. Further attention is invited to the information (Page 75) wherein it is stated that "currently, there are 8 airports in Bihar, of which 3 airports (Gaya, Patna and Darbhanga) are operational and rest are closed."

Let exact information with respect to all the airports which are non-functional, be it for whatever reason, more so on account of lack of initiation or non completion of acquisition proceedings/ lack of infrastructure is concerned, be made available to the Court. Also information leading to delay of expansion of the Projects be made available.

On our request Shri P.K. Shahi, Senior Advocate, has consented to assist the Court as an Amicus.



Needful be positively done within next two days.

List this case on 09.03.2022 along with all the cases referred to in the earlier part of the order.

Joint Registrar (List) to ensure compliance.

(Sanjay Karol, CJ)

(S. Kumar, J)

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