

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3795 of 2022

Gaurav Singh

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Shatakshi Sahay, Advocate Mr. Shivam Singh, Advocate Mr. Nikhil Singh, Advocate
For the Respondent/s	:	Mr. Lalit Kishore, AG Dr. K.N. Singh, ASG Mr. Kumar Priya Ranjan, CGC Mr. Devansh Shankar Singh, JC to ASG Mr. Prakritita Sharma, JC to ASG

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

(Per: HONOURABLE THE CHIEF JUSTICE)

3 18-04-2022 **Re: Interlocutory Application filed by Respdent**
No. 7

The instant Interlocutory Application has been filed for incorporating certain facts for survey of the Patna Airport in view of order dated 31st of March, 2022.

Our order dated 31st of March, 2022 (composite order passed in CWJC No. 7302 of 2020, titled as Gaurav Kumar Singh Vs. The Union of India & Ors., and other analogous cases) is clarified to the extent that the Technical feasibility Study/OLS Survey to be conducted, with the help of the district



administration, be conducted from all angles, including 12 Degree reorientation, within a period of two weeks from today.

Interlocutory Application stands disposed of.

Re: CWJC No. 3795 of 2022

On 31st of March, 2022, we had passed a composite order in CWJC No. 7302 of 2020, titled as Gaurav Kumar Singh Vs. The Union of India & Ors., and other analogous cases, including the instant petition. The said order reads as under:-

“Re.: CWJC No. 7302 of 2020

We notice that pursuant to passing of our order dated 09.03.2022, several petitions stand filed dealing with the issue raised therein. As such, as prayed for, the said issue shall be dealt with in the newly instituted petitions.

We are informed both by the learned Advocate General as also Shri Ganpati Trivedi, learned senior counsel, that steps for early hearing/modification of the order dated 10.03.2021 passed in Special Leave to Appeal (C) No(s). 3644/2021, titled as the **Management Committee Vishnupad Temple & Anr. vs. Union of India & Ors.**, stands taken.

Shri Ray Sourav Nath, learned counsel, states that similar steps would also be taken within next one week.

List this petition on 18.04.2022.

Our order dated 09.03.2022 be placed on the files of CWJC No. 3489 of 2022, titled as **Rajiv Ranjan Singh Versus The State of Bihar & Anr.**, CWJC No. 3795 of 2022, titled as **Gaurav Singh Vs.**



The Union of India & Ors., CWJC No. 3796 of 2022, titled as **Arvind Kumar Versus The Union of India & Ors.** and CWJC No. 4851 of 2022, titled as **Abhijeet Kumar Vs. State of Bihar & Ors.**

We also notice that digital order dated 23.03.2022 passed in CWJC No.7302 of 2020, titled as **Gaurav Kumar Singh Vs. The Union of India & Ors.** uploaded on the website needs to be modified, for wrong order was uploaded on account of human error.

Ordered accordingly.

Registry shall take appropriate step in this regard.

Re.: CWJC No. 19592 of 2018, titled as Gaurav Kumar Singh vs. The Chief Secretary, Government of Bihar & Ors.

Delinked.

Be listed separately on 18.04.2022.

Re.: CWJC No.3795 of 2022, titled as Gaurav Singh v. The Union of India & Ors.; CWJC No. 3796 of 2022, titled as Arvind Kumar Versus the Union of India & Ors.; CWJC No.3489 of 2022 titled as Rajiv Ranjan Singh vs. The State of Bihar & Anr.; and CWJC No.4851 of 2022, titled as Abhijeet Kumar Pandey Vs. State of Bihar & Ors

Indeed, these petitions are not adversarial in nature; hence action and approach in the affirmative, adopted by the functionaries of the State, both Central and the State, would positively have far-reaching consequences on the lives of the people of Bihar. It also results in the overall development and economic growth of Bihar. Time and again, we have emphasized



the need, requirement, significance and importance of creating infrastructure within the State of Bihar, for various reasons, *among other things*, checking the migration of people from the State of Bihar.

Should the Airports in Bihar be allowed to remain in-operational and closed?; should their capacity be not enhanced?; does not the State require more airfields for easy and convenient access for its residents to the different parts of the State?; would not it create avenues for tourism growth, both domestic and international? These are issues which would arise for consideration.

Petitioner in **CWJC No.3795 of 2022, titled as Gaurav Singh v. The Union of India & Ors.**, has placed on record the material indicating that there are eight Airports, out of which only three, namely Patna, Gaya, and Darbhanga, are operational. Whereas Airports at Bhagalpur, Forbesganj, Munger and Raxaul are closed, and three airports, namely Bihta, Purnea and Sabeya, having military airbases, also allowed for civil aviation purposes are not operational. Petitioner has prayed for making operational all the Airports mentioned above. Also, their capacity be enhanced with the expansion of the runway(s) and other infrastructure.

In **CWJC No.3796 of 2022**, Petitioner as **Arvind Kumar Versus the Union of India & Ors.** has prayed for similar relief, but confined to Patna and Gaya Airport.

In **CWJC No.3489 of 2022**, Petitioner as **Rajiv Ranjan Singh vs. The State of Bihar** has prayed for similar relief but confined to Muzaffarpur Airport.



However, in **CWJC No. 4851 of 2022**, Petitioner as **Abhijeet Kumar Pandey v. State of Bihar**, has come out with a totally different issue; i.e. opening of a Greenfield Airport in the District Saran, Bihar.

Prima facie, we are of the considered view that the issues highlighted are of prime importance and significance and absolutely in the public interest. Hence, an endeavour, by adopting a proactive approach, is required to be made by all functionaries of the State, and all this is necessarily to be done at the highest level, for as we notice, one such communication dated 25^h August 2021 (Annexure P-30, Page 668) that of the Minister Civil Aviation, Government of India, as we are informed, has not evoked any response.

During the hearing, we were informed that the Obstacle Limitation Surfaces (OLS) survey for the expansion of the Airport at Patna could be carried out by the Airport Authority of India within the next 15 days. It also transpires that the expansion of the Airport at Gaya is held up only on account of a decision required to be taken by the State Government for making a provision and depositing a sum of Rs.268 Crore (approx), as compensation for the cost of land acquisition, which ultimately may or may not be released as compensation to the landowners with the final adjudication of their right to receive the same, at an appropriate stage and level. The matter concerning the enhancement of compensation is pending adjudication before this Court, which already stands expedited.



In **CWJC No.4851 of 2022**, petitioner Abhijeet Kumar Pandey has placed on record the report prepared by the Airport Authority of India indicating the need for expansion of the Airport at Patna based on the estimated increase of domestic and international traffic. We also noticed that way back on 14th July 2017, the issue of expansion of the Airports' infrastructure in Bihar took place between Hon'ble the Chief Minister of Bihar and Hon'ble Minister of Civil Aviation. Against this backdrop, we believe that it would be only appropriate that the issue is discussed afresh at such a level.

Given the same, we direct as under:-

(a) The Chief Secretary, Government of Bihar shall take up the matter at the appropriate level, enabling the authorities to decide on all the issues highlighted supra, at the earliest.

(b) The decision taken by the Government be placed on record.

(c) The Divisional Commissioner, Patna, shall place on record the action taken report in terms of the meeting already convened by him.

(d) The Director, Airport Authority of India, Patna, shall have the survey report prepared and placed on record within the next 15 days.

(e) The State shall place on record the decision concerning the deposit of Rs.268 Crore for early expansion of the Airport at Gaya.

(f) Response to the petitions be positively filed within the next two weeks.

List on 18.04.2022.”



As prayed for, let Ministry of Civil Aviation through its Secretary, Government of India, New Delhi be impleaded as party respondent no. 22.

Registry to make necessary correction in the memo of parties, both in the digital as also the physical file.

Dr. K.N. Singh, learned Additional Solicitor General enters appearance on behalf of the newly added respondent no. 22.

On the request of all the respondents, one week's time is granted to file reply.

List this case on 10.05.2022.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

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