

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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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7302 of 2020

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Gaurav Kumar Singh		 Petitioner/s
	Versus	
The Union of India		 Respondent/s

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with
FIRST APPEAL No. 167 of 2017

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The State Of Bihar and Anr		 Appellant/s
	Versus	
Surajdeo Prasad		 Respondent/s

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with
FIRST APPEAL No. 168 of 2017

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The State Of Bihar and Anr		 Appellant/s
	Versus	
Ramkeshwar Manjhi		 Respondent/s

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with
FIRST APPEAL No. 169 of 2017

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The State Of Bihar and Anr		 Appellant/s
	Versus	
Ramlakhan Pandit and Ors		 Respondent/s

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with
FIRST APPEAL No. 170 of 2017

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The State Of Bihar and Anr		 Appellant/s
	Versus	
Jay Narayan Prasad		



... .. Respondent/s

with
FIRST APPEAL No. 171 of 2017

The State Of Bihar and Anr

... .. Appellant/s

Versus

Kamla Devi

... .. Respondent/s

with
FIRST APPEAL No. 172 of 2017

The State Of Bihar and Anr

... .. Appellant/s

Versus

Laxmi Devi

... .. Respondent/s

with
FIRST APPEAL No. 173 of 2017

The State Of Bihar and Anr

... .. Appellant/s

Versus

Sundri Devi and Anr

... .. Respondent/s

with
FIRST APPEAL No. 174 of 2017

The State Of Bihar and Anr

... .. Appellant/s

Versus

Asharfi Pandit

... .. Respondent/s

with
FIRST APPEAL No. 175 of 2017

The State Of Bihar and Anr

... .. Appellant/s



Versus

Kamla Devi

... .. Respondent/s

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with

FIRST APPEAL No. 176 of 2017

=====

The State Of Bihar and Anr

Versus

Jay Narayan Prasad

... .. Appellant/s

=====

with

FIRST APPEAL No. 177 of 2017

=====

The State Of Bihar and Anr

Versus

Surajdeo Prasad

... .. Appellant/s

=====

with

FIRST APPEAL No. 178 of 2017

=====

The State Of Bihar and Anr

Versus

Surajdeo Prasad

... .. Respondent/s

=====

with

FIRST APPEAL No. 179 of 2017

=====

The State Of Bihar and Anr

Versus

Jay Narayan Prasad and Ors

... .. Appellant/s

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with

FIRST APPEAL No. 180 of 2017

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The State Of Bihar and Anr



Surajdeo Prasad
Versus
... .. Appellant/s
... .. Respondent/s

with
FIRST APPEAL No. 181 of 2017
The State Of Bihar and Anr

Surajdeo Prasad
Versus
... .. Appellant/s
... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 19592 of 2018
Gaurav Kumar Singh

The Chief Secretary, Government Of Bihar
Versus
... .. Petitioner/s
... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 22386 of 2019
Shreekant Yadav,

The State of Bihar
Versus
... .. Petitioner/s
... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 23521 of 2019
Raj Kumar Mehata,

The State of Bihar
Versus
... .. Petitioner/s
... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 25794 of 2019



Ramesh Mehta

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 1833 of 2020

Ganga Prasad Mehta,

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 1885 of 2020

Dev Narayan Paswan

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 2009 of 2020

Rana Pratap Mehta

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 2623 of 2020

Yoganand Mehta,

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s



with
Civil Writ Jurisdiction Case No. 3795 of 2022

Gaurav Singh

... .. Petitioner/s

Versus

The Union of India

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 3796 of 2022

Arvind Kumar

... .. Petitioner/s

Versus

The Union of India

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 7302 of 2020)

For the Petitioner/s : Mr.Sumeet Kumar Singh

For the Respondent/s : Dr. K.N. Singh (ASG)

(In FIRST APPEAL No. 167 of 2017)

For the Appellant/s : Mr.Arun Kumar Bhagat

For the Respondent/s : Mr.

(In FIRST APPEAL No. 168 of 2017)

For the Appellant/s : Mr.Arun Kumar Bhagat

For the Respondent/s : Mr.

(In FIRST APPEAL No. 169 of 2017)

For the Appellant/s : Mr.Arun Kumar Bhagat

For the Respondent/s : Mr.

(In FIRST APPEAL No. 170 of 2017)

For the Appellant/s : Mr.Arun Kumar Bhagat

For the Respondent/s : Mr.

(In FIRST APPEAL No. 171 of 2017)

For the Appellant/s : Mr.Arun Kumar Bhagat

For the Respondent/s : Mr.

(In FIRST APPEAL No. 172 of 2017)

For the Appellant/s : Mr.Arun Kumar Bhagat

For the Respondent/s : Mr.

(In FIRST APPEAL No. 173 of 2017)

For the Appellant/s : Mr.Arun Kumar Bhagat

For the Respondent/s : Mr.

(In FIRST APPEAL No. 174 of 2017)

For the Appellant/s : Mr.Arun Kumar Bhagat

For the Respondent/s : Mr.

(In FIRST APPEAL No. 175 of 2017)



For the Appellant/s : Mr.Arun Kumar Bhagat
For the Respondent/s : Mr.
(In FIRST APPEAL No. 176 of 2017)
For the Appellant/s : Mr.Arun Kumar Bhagat
For the Respondent/s : Mr.
(In FIRST APPEAL No. 177 of 2017)
For the Appellant/s : Mr.Arun Kumar Bhagat
For the Respondent/s : Mr.
(In FIRST APPEAL No. 178 of 2017)
For the Appellant/s : Mr.Arun Kumar Bhagat
For the Respondent/s : Mr.
(In FIRST APPEAL No. 179 of 2017)
For the Appellant/s : Mr.Arun Kumar Bhagat
For the Respondent/s : Mr.
(In FIRST APPEAL No. 180 of 2017)
For the Appellant/s : Mr.Arun Kumar Bhagat
For the Respondent/s : Mr.
(In FIRST APPEAL No. 181 of 2017)
For the Appellant/s : Mr.Arun Kumar Bhagat
For the Respondent/s : Mr.
(In Civil Writ Jurisdiction Case No. 19592 of 2018)
For the Petitioner/s : Mr.Sumeet Kumar Singh, adv
For the Respondent/s : Mr.Anjani Kumar, AAG-4
(In Civil Writ Jurisdiction Case No. 22386 of 2019)
For the Petitioner/s : Mr.Bipin Kumar
For the Respondent/s : Mr.Md.Khurshid Alam (AAG12)
(In Civil Writ Jurisdiction Case No. 23521 of 2019)
For the Petitioner/s : Mr.Bipin Kumar
For the Respondent/s : Mr.Subash Chandra Yadav (GP15)
(In Civil Writ Jurisdiction Case No. 25794 of 2019)
For the Petitioner/s : Mr.Md. Shahab Khalil
For the Respondent/s : Mr.Subash Chandra Yadav (GP15)
(In Civil Writ Jurisdiction Case No. 1833 of 2020)
For the Petitioner/s : Mr.Bipin Kumar
For the Respondent/s : Mr.Sajid Salim Khan (SC25)
(In Civil Writ Jurisdiction Case No. 1885 of 2020)
For the Petitioner/s : Mr.Bipin Kumar
For the Respondent/s : Mr.Subash Chandra Yadav (GP15)
(In Civil Writ Jurisdiction Case No. 2009 of 2020)
For the Petitioner/s : Mr.Bipin Kumar
For the Respondent/s : Mr.Md. Khurshid Alam (AAG12)
(In Civil Writ Jurisdiction Case No. 2623 of 2020)
For the Petitioner/s : Mr.Bipin Kumar
For the Respondent/s : Mr.Rishi Raj Sinha (SC19)
(In Civil Writ Jurisdiction Case No. 3795 of 2022)
For the Petitioner/s : Mr.Sumeet Kumar Singh
For the Respondent/s : Dr. K.N Singh, ASG
(In Civil Writ Jurisdiction Case No. 3796 of 2022)
For the Petitioner/s : Mr.Archana Sinha @ Archana Shahi



For the Respondent/s : Dr. K.N Singh, ASG

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

(Per: HONOURABLE THE CHIEF JUSTICE)

32 09-03-2022 Re. CWJC No.7302 of 2020 & CWJC No. 19592 of
2018.

List on 23.03.2022.

Re. FA 167 of 2017/FA 168 of 2017/ FA 169 of 2017/
FA 170 of 2017/ FA 171 of 2017/ FA 172 of 2017/ FA 173 of
2017/ FA 174 of 2017/FA 175 of 2017/FA 176 of 2017/FA 177
of 2017/FA 178 of 2017/FA 179 of 2017/FA 180 of 2017 and
FA 181 of 2017.

Delinked. List before appropriate Bench.

Re. CWJC No. 22386 of 2019/ CWJC No. 23521 of
2019/ CWJC No. 25794 of 2019/ CWJC No. 1833 of 2020/
CWJC No. 1885 of 2020/ CWJC No. 2009 of 2020/CWJC No.
2623 of 2020.

Delinked. Matters are being disposed of vide separate
order.

Re. CWJC No. 3796 of 2022 & CWJC No. 3795 of
2022

For compliance of the information sought in terms of



the order dated 07.03.2022 be positively supplied before 23.03.2022.

We are of the considered view that it would be more fruitful if the Development Commissioner, Government of Bihar, Patna were to convene a meeting of all the stake-holders for ascertaining how soon the airports referred to in our order dated 07.03.2022 can be either expanded or made functional and/or operational.

As such we direct such meeting to be convened within next two weeks.

The Development Commissioner, Government of Bihar within next two weeks shall submit his report by way of affidavit before next date i.e. 30.03.2022.

In so far as Airport at Patna is concerned, learned Additional Solicitor General, Dr. K.N. Singh, submits that it would also be more fruitful that if the Director, Patna Airport, Patna, would explain in person as to how best the Airport can be expanded and development work expedited. He further states that discussions would be fruitful if the officer were to interact in person in Court, as such, for this purpose, list both the matters on 30.03.2022.

For generation of *e.pass* for Director, Patna Airport,



Patna, particulars to be furnished by the learned counsel for the
concerned respondent.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/sanjay-

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