

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14655 of 2017

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Pramod Paswan, Son of Mokhatar Paswan, R/o Gram- Mathiya, Village-
Gothava, Anchal- Motihari, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Joint Registrar, Co-operative Society, Tirhut Pramandal, Muzaffarpur.
3. The District Collector, East Champaran, Motihari.
4. The District Co-operative Officer, East Champaran, Motihari.
5. The Sub-Divisional Officer, Sub Division, East Champaran.
6. The Circle Officer, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Alok Ranjan, Advocate
For the Respondents : Mr. Raj Balabh Prasad Yadav - AAG-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 01-10-2018

By this Public Interest petition, the writ petitioner has sought an order restraining the respondent-authorities from constructing PACS (Primary Agriculture Credit Society) godown in Gram Panchayat Basmanpur Godhawa on plot falling in Khata No. 92, Khesra No. 395 as the aforesaid construction is in contravention with the statutory provision of the Act and in violation of the rules and regulations thereto in as much as the plot of land does not have access to public road and therefore the whole purpose of constructing the godown would be defeated. Additionally, it has been prayed that a direction be issued



to the respondent to construct the godown at such a place where it becomes absolutely accessible. The only reason assigned for making such a prayer is the assertion that the construction is being made on a plot of land which does not have an easy access to public road.

2. The aforesaid assertion has been disputed by the respondents who have stated that the construction has been commenced as per the scheme of Krishi Road Map Yojna (KRMV) godowns for PACS. Under the aforesaid scheme, an attempt was made to make available 10 decimals of government land in the local area but because of non-availability of the same, a private person proposed to let out his land for the construction of the godown. The aforesaid proposal was verified by the authorities concerned and on satisfaction of the suitability of the land for the purpose of construction of the godown, the same was selected. The land in question was taken on lease and the construction work has started.

3. It has been further brought to the notice of this Court that the land over which the godown is being constructed is very near the public road which can be accessed very easily. Some photographs also have been annexed with the counter affidavit which *prima facie* indicate that the construction is not being made in any remote or inaccessible area/land.



4. From the averments made on behalf of the parties, we feel that there is less of public interest in the present litigation.
5. We do not therefore intend to entertain the present petition and pass any orders.
6. The writ petition is dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
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