

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10258 of 2023

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Rajesh Kumar Son of Ramashish Prasad Resident of village- Paijuna, P.O.-
Paharpur, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Cooperative Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Cooperative Department, Government of Bihar, Patna.
3. The Principal Secretary, Co-operative Department, Government of Bihar, Patna.
4. The Divisional Joint Registrar, Nawada.
5. The District Magistrate, Nawada.
6. The District Co-operative Officer, Nawada.
7. The District Audit Officer, Accounts Department, Nawada.
8. The Assistant Registrar, Registration Department, Nawada.
9. The Circle Officer, Akbarpur, Nawada.
10. The Revenue Karamchari, Akbarpur Anchal, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Advocate
For the Respondent/s : Mr. Sanjay Kumar, AC to GA 13

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 14-09-2023

Heard Mr. Jagjit Roshan, learned counsel appearing
on behalf of the petitioner and Mr. Sanjay Kumar, learned
counsel for the State.

2. The petitioner who is a member of Paijuna
Primary Agriculture Cooperative Society (PACS) invoking the
extraordinary jurisdiction of this Court seeking a direction



commanding upon the respondents, especially respondents no. 2 to 6 to conduct an enquiry regarding the arbitrary action taken by the respondents to construct the godown of Paijuna PACS not at the headquarter rather at a distant place in defiance of the departmental guidelines, despite the availability of government land in Paijuna headquarter; and further seeks a direction to take appropriate legal action against the persons responsible for the arbitrary and illegal act.

3. It is the case of the petitioner that the headquarter of the Paijuna PACS is established at Paijuna having 450 members out of the population of 6000. There are altogether 13 villages and the Paijuna is the headquarter having maximum *rakba* of almost 1484 acres and, thus, the large number of members and farmers would be benefited if the godown of the PACS would be situated in the headquarter.

4. Learned counsel for the petitioner drew the attention of this Court to the guidelines issued by the Government of Bihar in the Department of Co-operative as contained in Letter No. 10794 dated 26.12.2016 issued in relation to the criteria for construction of rice mill/godown. In reference to the guidelines he submits that in any case the godown of the PACS should be made in the headquarter of the



PACS and only in case of non availability of the land the same can be shifted to another place. But, unfortunately the District Co-operative Officer, swayed by the report of the Circle officer, Akbarpur has directed for construction of godown at Manpur which is at a distance of seven kilometres from the headquarter and having *rakba* of only 80 acres and there being only 60 members. When the aforesaid illegal action has been brought to the knowledge of the concerned authorities, the District Co-operative Officer, Nawada *vide* his order contained in Memo No. 89 dated 17.01.2023 (annexure-6) constituted a Committee to enquire into the matter and submit a report. He further directed to immediately stop the construction work till further order. However, irrespective of the aforementioned direction, the person having vested interest still continuing with the construction work, thus the petitioner is left with no option but to move before this Court.

5. It is the further case of the petitioner that the sufficient land is available in the headquarter of Paijuna PACS but ignoring this aspect the godown is shifted to Manpur which is not beneficial to the members at large. It is also submitted that the report which was being asked by the District Co-operative Officer, Nawada, the same is not on the point as to whether the



land is available at the headquarter of Paijuna PACS rather the report deals with different aspects, which is also a serious concern of the petitioner.

6. On the other hand, learned counsel for the State submits that a Committee has already been constituted to enquire into the matter, thus the grievance of the petitioner is no more survive. He further submits that the respondents authorities are under statutory obligation to proceed with the construction work as per the guidelines issued by the Government of Bihar in the Department of Cooperative, if not found otherwise.

7. It is to be noted that construction of any godown of PACS is within the domain of District Level Committee, constituted by the Co-operative Department, Government of Bihar, and it is the Committee who has to see the best interest of the members of the PACS in accordance with the law and the guidelines issued time to time.

8. In view of the submissions made on behalf of the parties, the present writ application stands disposed of with a direction to the District Co-operative Officer, Nawada (respondent no. 6) to conclude the enquiry keeping in view the guidelines issued by the Government of Bihar in the Department



of Cooperative and take appropriate action for construction of
godown of Paijuna PACS.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	18.09.2023
Transmission Date	N.A.

