

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12150 of 2024

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Shrichand Yadav Son of Sadhu Yadav, R/o- Village- Mahmanna, P.S.- Tekari,
District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Cooperative Department, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Cooperative Officer, Gaya.
4. The Sub-Divisional Officer, Tekari, Gaya
5. The Block Cooperative Officer, Tekari, Gaya.
6. The Circle Officer, Tekari, Gaya
7. Abhishek Kumar, PACS Chairman, Mahamanna Panchayat PACS, R/o- Bhulimath, P.S.- Tekari, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr. P.K Shahi, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-08-2024

1. The petitioner is before this Court challenging the construction of a PACS godown and seeking a direction to construct it in a specific locality within the village Mahamanna.

2. The learned Counsel for the petitioner has specifically pointed out paragraph nos. 10 and 11 to buttress his contention. In paragraph 10, the petitioner has merely stated that the construction is made in violation of Clause 2 (iii), (iv), (v), (vi) and (vii) of the Guidelines issued by the State Government,



which is produced as Annexure P/1. However, there is no specifics pointed out as to what are the violations in the construction carried out. Paragraph no. 11 only refers to a public petition filed before respondent nos. 2 and 3. In fact, the public petition was considered and an enquiry was conducted through the Sub-Divisional Officer Tekari (Gaya). The report submitted by the Sub-Divisional Officer is said to be a false and misguided report again without any specifics.

3. The learned Government Advocate specifically pointed to Annexure P/2 from which it is discernible that it is as per the Circle Officer's recommendation that the godown was constructed in the locality in which it is now being constructed. It is also pointed out from Annexure P/2 that the petitioner's contention that the villagers will have to cross a river is incorrect since there is an alternative road specifically indicated which leads to the godown.

4. We find the above Public Interest Litigation to be misconceived and a clear abuse of the process of Court. We dismiss the writ petition with a cost of Rs. 5000/- payable to the Bihar State Legal Services Authority. The said amount will have to be paid within a period of two weeks, failing which the Bihar State Legal Services Authority will be entitled to proceed for



recovery by taking measures similar to recovery of arrears due on land through the District Magistrate, in which event the petitioner shall also be liable for the charges incurred for making such recovery, which have to be recovered by the State.

5. Let a copy of this judgment be transmitted to the Member Secretary, Bihar State Legal Services Authority.

6. The writ petition stands dismissed with costs.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.08.2024
Transmission Date	

