

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14933 of 2025

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1. Shiv Mahato Son of Mahantha Mahato, R/o- Village- Lamauniya, ward no.4, P.S- Sugauli, Dist.- East Champaran.
 2. Nilesh Kumar Jha Son of Late Lutan Jha, R/O Village- Lamauniya, ward no.5, P.S- Sugauli, Dist.- East Champaran.
 3. Ramji Mahto Son of Devnarayan Mahto, R/O- Village- Village-Lamauniya, ward no.4, P.S- Sugauli, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Secretary, Home Department, Government of Bihar, Patna.
2. The State Registrar of Cooperative Societies, Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The District Coperative Officer, Districts East Champaran At Motihari.
5. The Sub Divisional Officer, Sub Division- Motihari Sadar, District- East Champaran.
6. The Circle Officer, Circle Office Sugauli, Dist- East Champaran.
7. The Block Development Officer, Block Office Sugauli, East Champaran.
8. The Block Coperative Officer, Block Office, Sugauli,, East Champaran.
9. Rajesh Chaudhary x

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel 28

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-02-2026

This writ petition in the nature of Public Interest
Litigation has been filed by the petitioners with following
prayer(s):-

“i. For issuance of writ in the nature of



mandamus directing and commanding the respondents authority to not construct Godam of Primary Agricultural Credit Societies (PACS) over the Land bearing Khata no. 137, Plot no. 1268, situated in between Lamauniya and Sarhari Village under Sugauli Circle Office, District- East-Champan, over which the people of several nearby villages using as Ashmasan (place of cremation).

ii. For issuance of writ/writs, direction/directions, order/orders to use earlier constructed PACS Godam over Khata no. 846, Plot- 671, area 10 decimal, under thana no. 31, Tauzi no. 951, Village Sugaun Tola Lumaunia, Circle Office, Sugauli, District- East-Champan, and construct Godam if required over Bihar State Public Land which are several in number in the village.

iii. For issuance of an appropriate writ to protecting the Customary practice and rituals practiced by the villagers in the aforesaid mentioned land.

iv. To grant any other relief/reliefs, direction/directions, order/orders for which the petitioner is entitled under facts and circumstances of the case as well as on law.”

2. When the matter was taken up on 09.01.2026, we passed the following order(s):

“1. As per the order dated 12.12.2025, learned counsel for the Respondent Nos. 3 to 8 has filed a counter-affidavit wherein, in Paragraph No. 7, it has been indicated that the Revenue Clerk and Circle Amin submitted a report that in survey Khatiyon



Khata No. 137, Plot No. 1268, Area AC. 0-11-19 is in the category of Parti Kadim and, at present, it is being used as a place for cremation and in that part of land, the godown is to be constructed and in Paragraph No. 11, it has been mentioned that the District Cooperative Officer, East Champaran, Motihari vide Letter No. 2910 dated 25.09.2025 to Anchal Adhikari, Sugauli intimated that the request has been made to the Department for allotment for construction of godown in the selected land.

2. According to the learned counsel, the selected land means the land which appertains to Khata No. 137, Plot No. 1268, Area AC. 0-11-19 as indicated above.

3. When we put a pertinent question to the learned counsel for the State as to whether any alternate arrangement has been made for construction of godown as the plot has been used for cremation and performing the last rites of the local residents, the learned counsel seeks some time to obtain instruction and file a specific affidavit to that effect.”

3. The supplementary counter affidavit has been filed on behalf of respondent nos. 3 to 8, wherein it is stated as follows:

“6. That so far as the specific query made by this Hon'ble Court vide order dated 09.01.2026 is concerned, it is stated that the Circle Officer, Sugauli vide its letter no. 1014 dated 15.12.2025 has directed the Revenue Karamchari and Anchal Amin to search out suitable alternative land for the construction of 1000 MT capacity Godown



and report within four weeks.

7) That it is further stated that the Circle Officer, Sugauli has also requested the District Co-operative officer vide letter no. 994 dated 22.12.2015 not to make any constriction over the land in question and also intimated him that the Revenue Karmchari has been directed to search out for suitable land for construction of 1000 MT Capacity Godown and report within four weeks.”

4. In view of such specific stand taken in the supplementary counter affidavit, filed by the respondent nos. 3 to 8, we are not inclined to pass any order in this Public Interest Litigation.

5. Accordingly, the same is disposed of.

(Sangam Kumar Sahoo, CJ)

(Alok Kumar Sinha, J)

guddukr/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.02.2026
Transmission Date	

