

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4766 of 1999

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Archeological Survey of India

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravinder Kumar Sharma, CGC

For the Respondents : Mr. D.K.Sinha, AAG-2

Mr. S.Kumar, AC to AAG-2.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-03-2015

Heard counsel for the petitioner and the respondents.

On the request of parties, the case was adjourned for four weeks vide order dated 26th February 2015. Again the Union of India and the State pray for time for seeking instruction.

It is an old matter wherein the Government of India and the State Government have taken contradictory stand.

It appears that they have tried to settle the dispute and for that the a date was fixed to meet at Circuit House, Rajgir for holding discussion for resolution of dispute but the order dated 26th February 2015 shows on the date fixed, Officers of the State of Bihar reached the venue but the authorities of the Central Government did not arrive.

As in the present case, the Government of India is claiming ownership over plot nos. 5024, 5056, 5062 and 5060 as archeological site but the State of Bihar has made pucca construction. As such it is a dispute between the State Government and the agency of the Central Government.

This Court does feel instead of adopting the adjudicatory process,

they should sit together and sort out differences. In such view of t he matter, this Court gives directions to both sides to settle the dispute within three months. If they failed to decide by amicable settlement, liberty is given to the aggrieved party to approach the appropriate forum.

With this observation, this petition is disposed of.

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(Shivaji Pandey, J)