

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7032 of 2022

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1. Awadhesh Pandey, S/o Late Lakshmi Pandey Resident of Village- Naur, Post- Naur, P.S.- Nabinagar, District- Aurangabad- 824301, Bihar.
 2. Pradyuman Pandey, S/o Late Dudhakeshwar Pandey Resident of Village- Naur, Post- Naur, P.S.- Nabinagar, District- Aurangabad, 824301, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Principal Secretary, Tourism Department, Govt. of Bihar, Old Secretariat, Patna.
4. The District Magistrate, Aurangabad.
5. The Circle Officer, Naur, Aurangabad.
6. The Archaeological Survey of India, through Superintendent at Patna.
7. The Directorate of Archaeology, State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr.Ajit Kumar, GA 9
		Mr. Ravinder Kumar Sharma, CGC
		Mr. Lokesh, Advocate

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

Date : 08-08-2023

None appeared for the petitioners on the last occasion and today also, when the matter was kept aside and then taken up for hearing.



2. We have gone through the records and heard the learned Government Advocate.

3. The Public Interest Litigation has been filed to direct preservation and protection of “Naurgarh Historical and Archaeological Site” within Aurangabad District wherein remains of an ancient civilisation were found. It is asserted that this is a multicultural site; the cultural assemblage spanning from the Chalcolithic period to Medieval period. The respondent-State has a duty to preserve the site and ensure that no encroachment is caused, as so to preserve and protect it as also discharge its obligation under Article 49 of the Constitution of India.

4. It is alleged that the District Magistrate, Aurangabad has allowed private contractors to ply heavy commercial vehicles nearby to the site for the purpose of mining sand, which causes serious depredation of the historical heritage site of Naurgarh. It is also alleged that the Secretary, Songhati Archaeological Council, Bihar through letters dated 19.10.2020 and 29.12.2021, requested the District Magistrate, Aurangabad to stop the construction of a Stadium at the heritage site.

5. A counter affidavit dated 03.08.2023 has



been filed, on behalf of the Respondents No. 4 and 5, by the Circle Officer, Nabinagar, Aurangabad. The Additional Secretary-cum-Director, Archaeology, Bihar by a letter dated 11.07.2023 has addressed the District Magistrate, Aurangabad and requested for a report regarding steps taken for removal of the encroachment from the archaeological site situated at Mauza-Naurgarh; by Annexure-A. The District Magistrate Aurangabad, on the strength of the aforesaid letter, directed the Circle Officer, Nabinagar to take appropriate steps to protect the land of the archaeological site by letter dated 11.07.21023. The deponent has made a spot enquiry along with the *Anchal Amin* and the concerned Revenue Karamchari at the Archaeological site. A *Nazri Naxa* of the land in question was also prepared by the *Anchal Amin* and a report, produced as Annexure-B, is placed before the District Magistrate. A Encroachment Case No. 2 of 2023-24 has already been initiated for removal of encroachment from the land in question under the Bihar Public Land Encroachment Act, 1956. It is submitted that appropriate steps have been taken to protect the site having historical and archaeological importance.

6. Recording the aforesaid statements made by



the Circle Officer, we dispose of the writ petition.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	17.08.2023
Transmission Date	

