

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22754 of 2018

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Manoj Kumar son of Shri Dukhi Lal Gupta resident of Mohalla Mahaddi
Nagar Amber Bihar Sharif, P S- Bihar, District- Nalanda

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary Archaeological Survey of India,
Govt. of India, New Delhi.
2. The Superintending Archaeologist Govt of India Archaeological Survey of
India, Patna Circle, J C Road, Anta Ghat, Patna.
3. The Sr C.A Archaeological Survey of India, Sub Circle, Antichak,
Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate
For the Respondent/s : Mr. Pradeep Kumar Sr. Panel Counsel
Mr. Radhika Raman, CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 16-05-2023

In the instant petition, petitioner has prayed for
following reliefs:-

"1. That this Writ
Application is being filed for issuance of
the Writ in the nature of certiorari or any
appropriate writ's, order's, direction's
commanding the respondents for

I. Quashing of the order
dated 27 Jul 2018 issued by the
Superintending Archaeologist Govt. of



India, Archaeological Survey of India, Patna Circle, Patna where by representation of the petitioner dated 23 07 18 has been disposed of without granting any relief, which was filed in pursuance of the order dated 09 07 18 passed in CWJC No 11670/17 in which the Hon'ble Court held that no objection has been raised by the respondents with regard to supply of remaining items such as coarse sand, stone aggregate and u/s lime.

II. For direction the respondents to make payment of dues amount with 10% interest against supply of Coarse sand, stone aggregate and u/s lime in the light of supply order 3/91/SR(P)/15-16-WORK-140 dated 22 04 16.

III. For any order/direction in the interest of justice in the facts and circumstances of the case."

2. Perusal of the records it is evident that there were certain disputed issues as is evident from Annexure-2 and 5 read with communication dated 23.07.2018. Therefore, the present petition is not maintainable in the light of Apex Court's decisions rendered in the case of ***Subhash Jain vs. Rajeshwari Suman and Ors.*** reported in ***2021 SCC Online 562*** read with ***Union of India and Ors. vs. Puna Hinda*** reported in ***(2021) 10 SCC 690***.

3. Accordingly, the present petition stands disposed of reserving liberty to the petitioner to invoke



appropriate remedy.

(P. B. Bajanthri, J)

(A. Abhishek Reddy , J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.05.2023
Transmission Date	N.A.

