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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/12/2024

GITIKA BHATTACHARJYA AND 12 ORS
W/O- SAILEN BHATTA,
D/O- LATE PABITRA BHATTACHARJYA,
R/O- A-1, TULIP VILLA, DAKHIN GAON ROAD, KAHILIPARA, KAMRUP (M),
PIN-781019, ASSAM
OCCUPATION- SOCIAL ACTIVIST, AUTHOR, MANAGING DIRECTOR AT
SAGIVISH DISTILLARIES PVT. LTD.

2: JOYSHREE MUNSHI
W/O- SIDDHARTH SINGHAL
R/O- TOWER C2
FLAT NO- 1005
TULIP GRAND APARTMENTS
OPPOSITE O.P JINDAL GLOBAL UNIVERSITY
SECTOR 35
SONIPAT-131029
HARYANA
OCCUPATION- ASSTT. PROFESOR AT UNIVERSITY AND RESEARCHER IN
SOCIAL PSYCHOLOGY

3: RAJARSHI RANJAN NANDY
S/O- SUJIT KUMAR NANDY R/O- AC 237
STREET NO- 39
ACTION AREA 1
NEW TOWN
KOLKOTA-56
BENGAL, OCCUPATION-AUTHOR
COLUMNIST AN UPASAKA

4: YOGENDRA KHUSHIRAM SHARMA
S/O- KHUSHIRAM SHARMA
R/O- M-55/A
ADANI SAMSARA
GOLF COURSE
EXTENSION ROAD
SECTOR 60, GURGAON-122001, HARYANA
OCCUPATION- SENIOR MANAGEMENT POSITION WITH AN INDIAN
SUBSIDIARY OF JAPANESE MULTINATIONAL COMPANY

5: AMIT JUMAR JAIN
S/O- ABHAY KUMAR JAIN
R/O- 19
2ND CROSS,JALADARSHINI LAYOUT
RMV 2ND STAGE
SANJAY NAGAR
BENGALURU -94
KARNATAKA
OCCUPATION-SALES IT H/W

6: DR. EASHA RAMAWAT
D/O- MANOHAR RAMAWAT
R/O- 306
ROMANSQUE
CHIKOTI GARDENS
BEGUMPET
HYDERABAD-16
TELAMGAMNA
OCCUPATION-DOCTOR- OPHTHALMOLOGIST

7: NITIKA SHARMA
D/O- NAVEEN KUMAR SHARMA
R/O- 23
BANK COLONY
NEW JAWAHAR NAGAR
JALANDHAR
PUNJAB.
OCCUPATION- ASTROLOGER

8: RAMANJANEYALU RAMAKRISHNA VALMIKI
S/O- A RAMAKRISHNA
R/O- 47 SUNCITY HERITAGE
NEAR SHABARI NAGAR
KUSUGAI ROAD
HUBLI-23
KARNATAKA
OCCUPATION-DIRECTOR- HIBISCUS NEOTECH PVT.LTD

9: ISHANI BASU RAY
D/O- JAYANTA BASU RAY
R/O- 26/S/A
BLOCK B
NEW ALIPORE
KOLKATA-53
BENGAL

10: PRUTHVI M.E
S/O- EREGOWDA M.P
R/O- 5467
2ND FLOOR
8TH CROSS

KANAK DASA
NAGARA
DATTAGALLI 3RD STAGE
MYSORE-23
KARNATAKA

11: KAPUGANTY VAMSI KIRAN
S/O- SURYA RAO KAPUGANTY
R/O- SHREYAS 15-2-6
BEHIND GRAND BAY HOTEL

BESIDE SAIRAM APARTMENT
MAHARANIPETA
VISHAKAPATNAM-02
ANDHRA PRADESH

12: D.H PAVANKUMAR
S/O- D.S HANUMESH
R/O- 131 A
3RD WARD
MAJOR SANDEEP ROAD
BAGEPALLI-07
KARNATAKA

13: KANDALA ROHINI
D/O- NUTI RAJAGOPAL
R/O- PLOT NO-161
DEFENCE COLONY

SAINIKPURI
P.O- SECUNDRABAD-9

VERSUS

UNION OF INDIA AND 7 ORS
THROUGH SECRETARY , MINISTRY OF CULTURE, GOVT. OF INDIA, 502-C
WING, SHASTRI BHAWAN,
NEW DELHI-01

2:MINISTRY OF TOURISM
GOVT. OF INDIA
THROUGH ITS SECRETARY
CHAIRMAN OF PRASHAD SCHEME
R. NO-109
TRANSPORT BHAWAN
1- PARLIAMENT STREET
NEW DELHI-01

3:ARCHEOLOGICAL SURVEY OF INDIA
THROUGH ITS DIRECTOR GENERAL
DHAROHAR BHAWAN
24 TILAK MARG

NEW DELHI-01

4:THE CHAIRMAN
PM DEVINE SCHEME
SECRETARY
MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION
VIGYAN BHAWAN
ANNEXE
MAULANA AZAD ROAD
NEW DELHI-11

5:THE STATE OF ASSAM
THROUGH ITS CHIEF SECRETARY
GOVERNMENT OF ASSAM
BLOCK-C
3RD FLOOR
ASSAM
SACHIVALAYA
DISPUR
GUWAHATI-06

6:PUBLIC WORKS (BUILDING AND NATIONAL HIGHWAY) DEPTT.
THROUGH ITS SPECIAL COMMISSIONER AND SPECIAL SECRETARY TO
THE GOVT OF ASSAM
BLOCK B
GROUND FLOOR
ASSAM SECRETARIAT
DISPUR
GUWAHATI-06

7:DEPARTMENT OF CULTURAL AFFAIRS
THROUGH DIRECTOR
DIRECTORATE OF ARCHAEOLOGY
GOVT. OF ASSAM
GOPINATH BORDOLOI ROAD
AMBARI
GUWAHATI ASSAM
PIN-781001

8:DEPARTMENT OF TOURISM
THROUGH PRINCIPAL SECRETARY
GOVT. OF ASSAM
ASSAM
SECRETARIAT (CIVIL)
BLOCK F
3RD FLOOR
DISPUR
GUWAHATI-06
ASSA

Advocate for the Petitioner : MR. D DOLEY, MR. P K TIWARI(P-1 TO 5 ,7,9,10,11),MS. P DUTTA(P-1 TO 5 ,7,9,10,11),MR. N BARUAH (P-1 TO 5 ,7,9,10,11),MR. R P SARMAH,MS A

DEKA

Advocate for the Respondent : DY.S.G.I., MR. R K D CHOUDHURY(DEPUTY SOLICITOR GENERAL OF INDIA),MR R DHAR, SC, PWD,GA, ASSAM

Linked Case : WP(C)/2700/2024

NAVAJYOTI SARMA
SON OF LATE TRILOCHAN SARMA

RESIDENT OF KAMAKHYA MANDIR

GUWAHATI- 781010

DISTRICT- KAMRUP(METROPOLITAN)

ASSAM.

VERSUS

UNION OF INDIA AND 9 ORS
REPRESENTED BY THE SECRETARY

MINISTRY OF CULTURE

GOVERNMENT OF INDIA

502-C WING
SHASTRI BHAWAN

NEW DELHI- 110001.

2:MINISTRY OF TOURISM
GOVERNMENT OF INDIA
THROUGH ITS SECRETARY

CHAIRMAN OF PRASHAD SCHEME

R.NO. 109
TRANSPORT BHAWAN

1- PARLIAMENT STREET
NEW DELHI
110001.

3:ARCHEOLOGICAL SURVEY OF INDIA
THROUGH ITS DIRECTOR GENERAL

DHAROHAR BHAWAN
24 TILAK MARG

NEW DELHI 110001.

4:THE CHAIRMAN

PM DEVINE SCHEME
SECRETARY

MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION

VIGYAN BHAWAN ANNEXE
MAULANA AZAD ROAD

NEW DELHI 110001.

5:THE STATE OF ASSAM
THROUGH ITS CHIEF SECRETARY

GOVERNMENT OF ASSAM

BLOCK-C
3RD FLOOR
ASSAM SACHIVALAYA

DISPUR
GUWAHATI- 781006.

6:PUBLIC WORKS (BUILDING AND NATIONAL HIGHWAY) DEPARTMENT
THROUGH ITS SPECIAL COMMISSIONER AND SPECIAL SECRETARY TO
THE GOVERNMENT OF ASSAM

BLOCK B
GROUND FLOOR
ASSAM SECRETARIAT

DISPUR
GUWAHATI- 781006.

7:DIRECTOR OF ARCHAEOLOGY
ASSAM
GOVERNMENT OF ASSAM

GOPINATH BORDOLOI ROAD

AMBARI
GUWAHATI
ASSAM
781001.

8:DEPARTMENT OF CULTURAL AFFAIRS
THROUGH ITS DIRECTOR
DIRECTORATE OF ARCHAEOLOGY
GOVERNMENT OF ASSAM
GOPINATH BORDOLOI ROAD
AMBARI
GUWAHATI
ASSAM
781001.

9:DEPARTMENT OF TOURISM
THROUGH PRINCIPAL SECRETARY
GOVERNMENT OF ASSAM
ASSAM SECRETARIAT (CIVIL)
BLOCK-F
3RD FLOOR
DISPUR
GUWAHATI-781006
ASSAM.

10:LARSEN AND TOUBRO LIMITED
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR
AND HAVING ITS OFFICE AT MOUNT POONAMALEE ROAD
MANAPAKKAM
CHENNAI- 600089
TAMIL NADU.

For the petitioner(s)/	: Mr. N. Baruah, Advocate
appellant(s)	Mr. K. P. Pathak, Advocate
For the respondent(s)	: Mr. D. Saikia, AG, Assam
	Mr. D. Nath, Sr. GA, Assam
	Ms. R. Barua, Advocate
	Mr. R. Borpujari, Advocate
	Ms. M. Devi, Advocate

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

12.02.2026

(Ashutosh Kumar, C.J.)

We have heard Mr. N. Baruah and Mr. K. P. Pathak, learned Advocates for the petitioners and Mr. D. Saikia, learned Advocate General, Assam; Mr. D. Nath, learned senior Government Advocate,

Assam; Ms. R. Baruah, Mr. R. Borpujari and Ms. M. Devi, learned Advocates for the respondents.

This Public Interest Litigation (PIL 12/2024) has been filed seeking issuance of a White Paper on the proposed construction of “Maa Kamkya Temply Access Corridor” in Guwahati, Assam.

A clarification was attempted to be sought from the Government of Assam through the Public Works Department that the proposed construction of the Access Corridor will not cause any damage or destruction to the ancient structure of the revered Maa Kamakhya Temple, the Dasa Mahavidyas Temple, the natural water springs and the natural caves, which is treated as the cosmic womb and sanctum sanctorum of the Dasa Mahavidyas, and the sacred Nilachal Hill, which is worshiped by the devotees as the embodiment of Lord Shiva. The petitioners also sought restraint orders on the construction or renovation, in any manner whatsoever, in the protected, prohibited and relocated areas.

Another writ petition [WP(C) No. 2700/2024], which has been tagged with this PIL, has been filed by one Navajyoti Sarma, challenging the tender process initiated by the respondents/State vide NIT dated 27.11.2023, relating to Maa Kamakhya Temple Access Corridor, alleging violations of the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (hereinafter referred to as “Act of 1958”) and the Assam Ancient Monuments and Records Act, 1959 (hereinafter referred to as “Act of 1959”).

It has been contended by the petitioners that if the project is implemented, there would be serious risk of the premises of the Maa Kamakhya Temple being adversely affected and there would also be

disruption of the religious practices performed in the temple which, ultimately, may lead to desecration. This, it has been alleged, is nothing but sacrilege.

This writ petition [WP(C) No. 2700/2024] was also tagged, as noted above, along with PIL No. 12/2024.

During the course of the arguments, Mr. D. Saikia, learned Advocate General, Assam, had assured this Court verbally, as also in writing, that till all clearance are received from all the authorities concerned, including the Research and Analytical Report from the IIT, Guwahati, as also by another research body regarding hydrological impact coming in the way of the execution of the project, no construction shall take place.

An affidavit, sworn by the Special Commissioner & Special Secretary, PW (B&NH) Department, Assam, has been filed today wherein it has been averred that the project, namely, "Maa Kamakhya Temple Access Corridor Project" has been taken up for the purposes of development of the temple area under the PM-DEVINE Scheme. The frontal facade and vista of the temple appear to have been compromised over a period of time because of unplanned residential and commercial buildings, most of which present rebarbative look, which have come up cramming the open spaces in front of the temple, which could be used by the pilgrims, or which could have been used for the State to develop amenities and all-weather facilities for the pilgrims.

It has been categorically stated by the learned Advocate General that the project was initially conceived with the understanding that there shall be no interference with the architecture

and ancient sculptures of the temples in and around the main sanctum sanctorum. The State is also conscious of the possibilities of the adverse impact to the underground holy water springs that may occur with the initiation and completion of the project. With this apprehension in mind, the IIT, Guwahati, had been entrusted to carry out hydrological and geophysical studies of the proposed construction area to find out as to how the execution of the project should be carried out without damaging the sacred underground natural water spring.

In fact, an MOU was entered into between the PWD (Building), Assam and the IIT, Guwahati in the month of June, 2024. In order to avoid any adverse impact to the main temple and the holy underground water springs as also for preservation of the ancient and sacred monuments in and around the temple, the services of the National Institute of Hydrology, Roorkee, have also been commissioned for conducting a study with regard to the possible hydrological and geophysical impact. The National Institute of Hydrology, Roorkee has also submitted its report, which has been vetted by the IIT, Guwahati and it is found to be a viable and non-damaging option for the State to carry out the project.

The report submitted by the National Institute of Hydrology, Roorkee, and the recommendations of the IIT, Guwahati have been taken into consideration by the consultant/concessionaire for preparation of drawings/designs. The structural plans and its design have already been submitted to the Government, which have also been brought on record in these petitions vide affidavit dated 20.01.2026.

With all these checks, the learned Advocate General has submitted that he may be permitted to withdraw his oral undertaking that till the time all clearance are received and proper hydrological and geophysical studies are made confirming that the execution of the project would not adversely affect the temples and underground water springs, no construction work shall proceed.

We find that with all the research material/reports incorporated in the structural design of the project, there should not be any embargo for the State to proceed with the construction/execution of the project for giving a facelift to the temple(s) and provide easy access for the pilgrims to the shrines located inside the temple premises.

We order accordingly.

Having said this, we also reiterate the assurance given by the learned Advocate General that the execution of the project work would be as per the drawings and designs approved by the IIT, Guwahati and the project would be executed without affecting the temples in any manner whatsoever.

There is a further assurance that the project would be executed without even in the least affecting the underground holy water springs.

With the above-noted assurances and the structural design of the project incorporating the suggestions of the National Institute of Hydrology, Roorkee, and the IIT, Guwahati, we find no reason to continue with this PIL (PIL No. 12/2024) and the writ petition [WP(C) 2700/2024] any further.

Accordingly, we close the same with the liberty to the

petitioners to have these petitions revived, in case any breach is noticed hereafter till the final execution of the works, by filing a two-pages affidavit.

Both the petitions stand disposed off.

JUDGE

CHIEF JUSTICE

Comparing Assistant