

GAHC010192972023



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

Case No. : WP(C)/5013/2023

NIBARAN KALITA
S/O- LATE TANU RAM KALITA, R/O- SANTIPUR OF NALBARI TOWN, WARD
NO. 7, P.S. AND DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM AND 30 ORS
NOTICE THROUGH THE CHIEF SECRETARY, ASSAM, DISPUR.

2:THE DISTRICT COMMISSIONER
NALBARI
ASSAM

3:SMT. BARNALI DEKA
DISTRICT COMMISSIONER
NALBARI.

4:SMT. CHAYANIKA THAKURIA
ADC
NALBARI.

5:KUNKUM DAS
FINANCE AND ACCOUNTS OFFICER
D.C. OFFICE
NALBARI

6:JAYANTA MALLA BARUAH
HONBLE MINISTER
PUBLIC HEALTH ENGINEERING
SKILL AND ENTREPRENURESHIP AND TOURISM
ASSAM
DISPUR.

7:MADAN MALAKAR
R/O- PALLA ROAD
P.O.
PS. AND DIST. NALBARI
PIN- 781335.

8:MANOJ KUMAR CHOUDHURY
S/O- LATE KANAK CHOUDHURY
PERMANENT RESIDENT OF NATIRAM ROAD
GOPAL BAZAR
NALBARI TOWN
DIST. NALBARI
ASSAM

9:SRI SRI NALBARI HARI MANDIR

NALBARI
REP. BY ITS PRESIDENT
SRI ASHOK KUMAR SARMA
FORMER MLA

S/O LATE LAKHI NATH SARMA

BARKURA
BARAMA ROAD

WARD NO. 8 OF NALBARI TOWN

DIST. NALBARI

10:SHRI NAGEN DEKA
GENERAL SECRETARY OF SRI SRI NALBARI HARI MANDIR

S/O LATE TARINI DEKA
R/O VILL- DIGHELI
P.O. BAR DIGHELI
P.S. NALBARI
DIST.NALBARI

11:SRI BANASHWER DAS
S/O SISHURAM DAS
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

12:SRI SUBHASH DEBNATH

S/O LATE PRAMOD DEBNATH
NALBARI HARI MANDIR

N.T. ROAD NALBARI
DIST. NALBARI

13:SRI SUBODH DEKA
S/O LATE KRISHNAKANTA DEKA
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

14:SRI KESHAB BARMAN
S/O LATE BIPIN BARMAN
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

15:SRI PRADIP CHOUDHURY
S/O LATE AMULYA CHOUDHURY
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

16:SRI MALAY MAHANTA
SO LATE SARAT MAHANTA
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

17:SRI KAILASH MEDHI
S/O LATE GIRISH MEDHI
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

18:SRI ASHOK DAS
S/OLATE GIRIDHAN DAS
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

19:SRI SHISHU HALOI
S/O LATE MUARAM HALOI
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

20:SRI HAREN HALOI
S/O LATE SARAT HALOI
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

21:SRI RATUL ROY
S/O LATE SUREN ROY
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

22:SRI GIRISH TAHBILDAR
S/O LATE POHARURAM TAHBILDAR
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

23:SRI AJAY DAS
S/O LATE ARUN KUMAR DAS
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

24:SRI SUKUMAR SARMA
S/O LATE UPENDRANATH SARMA
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

25:SRI PAKAJ BARMAN
S/O LATE HAREN BARMAN
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

26:SRI TAPESWAR DAS
S/O LATE KESAB DAS
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

27:SRI SARBESWAR KALITA
S/O LATE BHABIT KALITA
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

28:SRI NARESWAR KALITA
S/O LATE SAMBARU KALITA
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

29:SRI PARESH BARMAN
S/O LATE UMESH CH. BARMAN
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

30:SRI GANESH TAMULY
S/O LATE NABIN TAMULY
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBARI

31:DIPAK BARUAH
S/O LATE ANANTA BARUAH
NALBARI HARI MANDIR
N.T. ROAD
NALBARI
DIST. NALBAR

Advocate for the Petitioner : MR D CHOUDHURY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

30.08.2023

Heard Mr. D. Choudhury, learned counsel for the petitioner.

Assailing the order dated 22.07.2023 (Annexure-2 of the writ petition) issued by the respondent No.2 dissolving the management committee of Sri Sri Harimandir, Nalbari, the instant writ petition has been filed by a life member of the Hari Mandir Committee *inter-alia* alleging that the impugned order has been issued in clear contravention of the religious rights guaranteed to the devotees under Article 26 of the Constitution of India.

Mr. Choudhury submits that having dissolved the committee the District Commissioner is now running the affairs of the "Hari Mandir" by constituting a committee of persons chosen by him. Therefore, the aforesaid exercise is wholly arbitrary and illegal and hence, liable to be declared so by this Court.

Mr. H. Sarma, learned Addl. Senior Govt. Advocate, Assam prays for some time to seek instruction in the matter.

Issue notice of motion returnable on 15.09.2023..

Since Mr. H. Sarma, learned Addl. Senior Govt. Advocate, Assam has entered appearance and accepted notice on behalf of respondent Nos.1 and 2, no formal notice is required to be sent to the said respondents. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned Government Advocate, within three days from today, so as to enable him to obtain instruction.

Steps by registered post with A/D for service of notice upon the remaining

respondents within three days from today. In addition, the petitioner is also permitted to make dasti service of notice, to be routed through the Registry of this Court, upon the respondent Nos.3 to 31.

Heard on the prayer of interim relief.

In view of the urgency expressed in the matter on account of the ensuing Durga Puja, the prayer for interim relief shall be considered on the returnable date.

List this case again on 15.09.2023 as a fixed item.

JUDGE

Comparing Assistant