

GAHC010216482024



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

Case No. : PIL/68/2024

MOHAN CHANDRA MALAKAR AND ANR
SON OF LATE RISHAB CHANDRA MALAKAR,
RESIDENT OF VILLAGE- NO. 1 HAJO,
P.O. AND P.S.- HAJO,
DISTRICT- KAMRUP, ASSAM.

2: TILAK CHANDRA DAS
SON OF LATE UMESH DAS
RESIDENT OF VILLAGE- NO. 1 HAJO
P.O. AND P.S.- HAJO
DISTRICT- KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
ASSAM SACHIVALAYA, GUWAHATI-6.

2:THE DISTRICT AND SESSION JUDGE
KAMRUP(M)
ASSAM
GUWAHATI- 781001.

3:DISTRICT COMMISSIONER
KAMRUP
ASSAM, AMINGAON
GUWAHATI- 781031.

4:CIRCLE OFFICER
HAJO REVENUE CIRCLE
DISTRICT- KAMRUP

ASSAM
PIN -781102.

5:SIBA PRASAD SARMA
DOLOI OF SHREE SHREE HAYAGRIVA MADHAB MANDIR TEMPLE
MANAGING COMMITTEE, HAJO

DISTRICT- KAMRUP
ASSAM, PIN- 781102.
RESIDING AT- HARABALA PATH (OPPOSITE BORA SERVICE)

ULUBARI
GUWAHATI-3.

6:PRESIDENT
PANCHATIRTHA BARDEWRI SAMAJ
HAJO, DISTRICT- KAMRUP
ASSAM, PIN- 781102

For petitioner/applicant(s) : Mr. M. K. Chourhudy, Sr. Advocate
Mr. P. P. Dutta, Advocate
Ms. P. Sarma, Advocate

For respondent(s) : Mr. D.K. Sarmah, Addl. Sr. GA, Assam
Ms. N. Bordoloi, SC, Revenue
Mr. N. K. Sarma, Advocate
(on behalf of Mr. H.K. Das, SC, GHC)
Mr. Anupam Sarma, Advocate

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MRs. JUSTICE MANISH CHOUDHURY

21.08.2025

(Ashutosh Kumar, CJ)

Vide order dated 28.07.2025, this Court had directed the respondents to file an affidavit, bringing on record the fact whether the land appurtenant to the temple in question is owned by the temple or allotted to it by the government under any scheme, or the temple has been allowed to retain the 37 Acres of

land, which originally existed and was owned by the temple management.

There has not yet been any constitution of the committee for management of the annuities of the temple, as mandated under Section 25A of the Assam State Acquisition of Lands belonging to Religious or Charitable Institutions of Public Nature Act, 1959 (for short, "Act of 1959").

The sole ground for not constituting such committee for management of the annuities is the decision by a trial court in a civil suit constituting a special committee for management of the temple in question. Whether such committee would stand superseded by another committee, which is required to be constituted under the Act of 1959, is also the question which has been posed to the learned counsel for the respondents.

Mr. D.K. Sarmah, learned Additional Senior Government Advocate, Assam, submits that he has received the instructions and he shall be filing the required affidavit by the next date.

Re-notify on **22.09.2025**.

The names of the learned counsel for the parties be reflected in the Cause-list henceforth.

JUDGE

CHIEF JUSTICE

Comparing Assistant