

GAHC010245602022



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

Case No. : WA/53/2023

KABINDRA PRASAD SARMA AND ANR
S/O LATE SANKAR PRASAD SARMA
BORDOLOI, KAMAKHYA DEVALAYA RESIDENT OF KAMAKHYA DHAM
GUWAHATI, 781010 ASSAM

2: THE DEITY OF GODDESS SRI SRI KAMAKHYA
REPRESENTED BY THE BOARD OF TRUSTEES/BARDEURI SAMAJ
NAMELY PHANINDRA SARMA
SON OF LATE SITARAM SARMA
KAMAKHYA DEVALAYA KAMAKHYA HILL
GUWAHATI 78101

VERSUS

THE STATE OF ASSAM AND 67 ORS.
REPRESENTED BY THE SECY. TO THE GOVT. OF ASSAM, DEPTT. OF
REVENUE, DISPUR, GUWAHATI 781006

2:THE DEPUTY COMMISSIONER
KAMRUP
GUWAHATI

3:THE SETTLEMENT OFFICER
KAMRUP.

4:THE ADDITIONAL DEPUTY COMMISSIONER
REVENUE
KAMRUP
GUWAHATI.

5:SHRI RADHIKA KALITA
SON OF LATE AMBIRAM KALITA

6:SHRI JITEN DAS
SON OF LATE GOBINDA DAS

7:SRI BASU DEV GAYAN
SON OF LATE DABIN GAYAN

8:SHRI SUNESWAR DAS
SON OF BHOLARAM DAS

9:SHRI SAMIR SARMA
SON OF SHRI AMRIT SHARMA

10:SHRI JAGADISH SARMA
SON OF SHRI KHARGESWAR SARMA

11:SHRI MUHIT SARMA
SON OF SHRI PARAMANANDA SARMA

12:SRI SAILESWAR SARMA
SON OF LATE SAKRESWAR SARMA

13:SRI RATUL PRASAD SARMA
SON OF LATE HIRANYA PRASAD SARMA

14:SRI NALIN PRASAD SARMA
SON OF SRI KAMALA PRASAD SARMA

15:SHRI KAJAL SARMA
SON OF SHRI SANKAR SARMA

16:GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY
BHANGAGARH
GUWAHATI

17:COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
GUWAHATI DEVELOPMENT AUTHORITY

18:SRI LALIT MOHAN DAS
VILLAGE KAMAKHYA GAON
MAUJA JALUKBARI
POST OFFICE GUWAHATI-12
DISTRICT KAMRUP

19:SHRI JOGESWAR SAIKIA
S/O SHRI MALBHOG SAIKIA
ADDRESS KALIPUR

GUWAHATI
P.S. BHARALUMUKH UNDER MAUZA JALUKBARI DISTRICT KAMRUP
ASSAM

20:. SRI MAHANTA SWAMI RASH BEHARI DAS KATHIA BABA
SON OF SHRI MAHANTA SWAMI DHANANJOY DAS KATHIA BABA
GURUKUL ROAD
POST OFFICE VRINDAVAN
DISTRICT MATHURA
UTTAR PRADESH
REPRESENTED BY HIS CONSTITUTED ATTORNEY SRI NISHITENDU DHAR
ADVOCATE SON OF LATE NAGENDRA KUMAR CHOUDHURY
A.K.AZAD ROAD
REHABARI
P.P.O.GUWAHATI-08
DISTRICT KAMRUP
ASSAM

21:SHRI NANDI NATH SARMA
ASSAM

22:SHRI PURNA CHANDRA SARMA
S/O SHRI PRABHAT CH.SARMA RESIDENT OF KAMAKHYA HILL TOP
P.S. JALUKBARI
GUWAHATI

23:SRI SUBHAS SARMA
S/O SHRI PRABHAT CH.SARMA RESIDENT OF KAMAKHYA HILL TOP
P.S. JALUKBARI
GUWAHATI

24:SRI MRINAL SARMA
S/O SHRI ARUN CH.SARMA RESIDENT OF KAMAKHYA HILL TOP
P.S. JALUKBARI
GUWAHATI

25:SRI KALYAN SARMA
S/O SHRI ARUN CH.SARMA

RES. 21 TO 25 ARE RESIDENT OF KAMAKHYA HILL TOP
P.S. JALUKBARI
GUWAHATI

26:SRI PALIT KR BORA
S/O LATE PADMANATH BORA R/O DAHABARACHUK
JORHAT-01
PRESENTLY RESIDING AT ARUNADAY APARTMENT BLOCK NO.1
FLAT NO 302

27:ASHEERBAD CONSTRUCTION COMPANY PVT LTD

INCORPORATION NO 03-04583
REPRESENTED BY ITS DIRECTOR SMTI RATNA SARMAH

28:SRI RABINDRA NATH SARMAH
S/O LATE PITAMBAR SARMAH R/O MALIGAON CHARIALI
P/S JALUKBARI GUWAHATI-11

29:SRI NILAMBAR SARMAH
RESIDENTS OF A.T. ROAD
VILLAGE AND P.O.-KAMAKHYA
P.S. JALUKBARI
GUWAHATI KAMRUP METRO

30:SRI BHABA KT. SARMAH
RESIDENTS OF A.T. ROAD
VILLAGE AND P.O.-KAMAKHYA
P.S. JALUKBARI
GUWAHATI KAMRUP METRO

31:SRI KAMALA KT. SARMAH
RESIDENTS OF A.T. ROAD
VILLAGE AND P.O.-KAMAKHYA
P.S. JALUKBARI
GUWAHATI KAMRUP METRO

32:SRI LAKSHI KT. SARMAH
RESIDENTS OF A.T. ROAD
VILLAGE AND P.O.-KAMAKHYA
P.S. JALUKBARI
GUWAHATI KAMRUP METRO

33:WEST GUWAHATI COLLEGE OF EDUCATION
PANDUNATH GUWAHATI
KAMRUP
ASSAM REPRESENTED BY PRINCIPAL AND SECRETARY SMT GITANJALI
CHOUDHURY

34:SMT GITANJALI CHOUDHURY
WIFE OF SRI BRAJENDRA CHOUDHURY
RESIDENT OF KAHILIPARA
SURABHI PATH
JANAKPUR
GUWAHATI 5

35:THE DEPUTY REGISTRAR

KAMRUP METRO PANBAZAR
GUWAHATI-781001

36:THE SENIOR SUB REGISTRAR
KAMRUP METRO PANBAZAR
GUWAHATI-781001

37:THE SUB REGISTRAR
KAMRUP METRO PANBAZAR
GUWAHATI-781001

38:THE JOINT SUB REGISTRAR
KAMRUP METRO PANBAZAR
GUWAHATI-781001

39:THE DEPUTY COMMISSIONER
KAMRUP METRO
GUWAHATI-781001

40:THE ADDITIONAL DEPUTY COMMISSIONER REVENUE
KAMRUP METRO
GUWAHATI-781001

41:DR. SUBHASH KHANNA
S/O SRI KRISHANLAL KHANNA MANAGING DIRECTOR OF SWAGAT
HOSPITAL P LTD. BHARALUMUKH
GUWAHATI-09

42:SHRI BRAJEN KALITA
S/O LATE NAREN KALITA R/O KALIPUR
GUWAHATI
DIST KAMRUP ASSAM

43:SUBHAM PLANNERS LTD.
FORMERLY SUBHAM PLANNERS PVT. LTD
REGISTERED OFFICE
AT SUBHAM VELOCITY
5TH FLOOR
HARI RAM BORA PATH
G.S. ROAD
OPP- WALFORD
GUWAHATI-5
REPRESENTED BY ITS DIRECTOR
SRI ROHIT LOHIA
R/O SRIKUNI HOUSE
HOUSE NO- 11
MAHADEVPUR
REHABARI

GUWAHATI-8
DIST- KAMRUP (M)
ASSAM.

44:SRI SUPARAS MAL BAID

S/O LATE KANKHYA LAL BAID
R/O MALIGAON
GUWAHATI
DIST- KAMRUP (M)
ASSAM.

45:SRI ARABINDA SENGUPTA
S/O DILIP KUMAR SENGUPTA.

46:SMTI. AJANTA SENGUPTA
W/O SRI ARABINDA SENGUPTA.

47:SMT. KRISHNA BISWAS
S/O LATE PARTHA PRATIM BISWAS

48:SRI PARTHA PRATIM BISWAS

S/O LATE AJIT KUMAR BISWAS.

49:SMT. SUNITA JHABAK
W/O SRI RAJ KUMAR JHABAK

50:SMT. SONU SETHIA
W/O SRI DHANPAT R. SETHIA

51:SRI DHANPAT R. SETHIA

S/O SRI SUMER MAL SETHIA

52:SRI KRISHNA SHARMA
S/O SRI SANWARMAL SHARMA.

53:SMT. KALPANA NEOG
W/O SRI KABYAJYOTI NEOG

54:KABYAJYOTI NEOG
S/O LATE JYOTISH CHANDRA NEOG

55:SRI VIMAL CHAND KHAJANCHI
S/O LATE VALCHAN KHANCHI

56:SMTI. CHANDRAKALA KHAJANCHI

W/O SRI VIMAL CHAND KHAJANCHI

57:SMT. PARWATI DEVI HARLALKA
W/O LATE NAND KISHORE HARLALKA

58:SRI JITENDRA KUMAR YADAV
S/O SRI PRABHUNATH YADAV

59:SRI AMIT KUMAR YADAV
S/O SRI PRABHU NATH YADAV

60:SRI SANDIP KEDIA
S/O SRI MAHABIR PRASAD KEDIA

61:SRI SEKHAR PODDER
S/O LATE SRISH CHANDRA PODDER

62:SMT. SNEHA HARLALKA

D/O LATE DILIP AGARWAL

63:SMT. SWAPNA DUTTA
W/O LATE PANKAJ DUTTA

64:SRI SANJIB KUMAR MITRA
S/O LATE BYOMKESH MITRA

65:SRI SEKHAR PODDER
S/O LATE SRISH CHANDRA PODDER

66:SMT. SNEHA HARLALKA
D/O LATE DILIP AGARWAL.

67:SMT. SWAPNA DUTTA
W/O LATE PANKAJ DUTTA

RESPONDENT NO 45 TO 67 ARE RESIDENTS OF DWARKA ENCLAVE
MALIGAON
GUWAHATI-781012
KAMRUP (M)
ASSAM.

68:SRI RIJU PRASAD SARMA
S/O LATE RABATI PRASAD SARMA
RESIDENT OF KAMAKHYA HILL
GUWAHATI 781010
KAMRUP M ASSA

For appellants : Mr. P.K. Sharma, Advocate
For respondent No.1 : Mr. R. Borpujari, Standing Counsel, Revenue
For respondent Nos.2 to 4 : Ms. M. Bhattacharjee,
Additional Senior Government Advocate, Assam

– B E F O R E –
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SOUMITRA SAIKIA

20-03-2023

The appeal is already admitted.

List for final hearing in due course.

Interim order passed on 17.02.2023 is confirmed till final disposal of the appeal.

JUDGE

CHIEF JUSTICE

Comparing Assistant