

GAHC010112632026



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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 781010
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.PO.GUWAHATI-08
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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
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24:SRI MRINAL SARMA
S/O SHRI ARUN CH.SARMA RESIDENT OF KAMAKHYA HILL TOP
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25:SRI KALYAN SARMA
S/O SHRI ARUN CH.SARMA

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

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

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

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S/O LATE PITAMBAR SARMAH R/O MALIGAON CHARIALI
P/S JALUKBARI GUWAHATI-11

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RESIDENTS OF A.T. ROAD
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PANDUNATH GUWAHATI
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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

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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
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FORMERLY SUBHAM PLANNERS PVT. LTD
REGISTERED OFFICE
AT SUBHAM VELOCITY
5TH FLOOR
HARI RAM BORA PATH
G.S. ROAD
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S/O DILIP KUMAR SENGUPTA.

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W/O SRI ARABINDA SENGUPTA.

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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

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RESPONDENT NO 45 TO 64 ADDRESS ARE - RESIDENT OF DWARKA
ENCLAVE
MALIGAON
GUWAHATI-781012
KAMRUP (M)
ASSAM.

65:SRI PRABEEN MASKARA
S/O LATE MAHABIR PRASAD MASKARA
R/O B.K. KAKATI ROAD
ULUBARI
GUWAHATI-781007

66:SHRI PAWAN KUMAR GOEL
S/O SHER SINGH GOEL
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67:M/S ACCENT REALCON PVT. LTD.
HAVING ITS REGISTERED OFFICE AND PRINCIPAL PLACE OF BUSINESS AT
B.K. KAKATI ROAD
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GUWAHATI-781001 REPRESENTED BY ITS DIRECTOR.

68:SRI RIJU PRASAD SARMA
S/O LATE RABATI PRASAD SARMA
RESIDENT OF KAMAKHYA HILL
GUWAHATI 781010
KAMRUP (M) ASSAM.

Advocate for : MR. A BORPUZARI
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 67 ORS.

Linked Case : I.A.(Civil)/690/2025

PRABEEN KR MASKARA AND 2 ORS
S/O LT MAHABIR PRASAD MASKARA R/O B K KAKATI ROAD ULUBARI
GUWAHATI 781007 ASSAM

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S/O LATE RABATI PRASAD SARMA
RESIDENT OF KAMAKHYA HILL
GUWAHATI 781010
KAMRUP (M) ASSAM.

Advocate for : Dr SYED RIZWAN AHMED NASER
Advocate for : appearing for KABINDRA PRASAD SARMA AND ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 30.07.2026
(K.R. Surana, J)

Both sides are duly represented.

2. Mr. P.K. Sarma, learned counsel for the appellants prays for substituted service of notice on the respondent nos.17, 18, 26, 44, 52, 57, and 63. It is submitted that the addresses are incomplete. Therefore, the Court is inclined to call for the record of WP(C) No. 6498/2003 to ascertain the addresses as available in the record. Thereafter, orders would be passed for effective service of notices on the respondents referred above.

3. The learned counsel for the appellants has pointed out that in the

meantime, the nomenclature of the department representing respondent no.17 has undergone a change and the concerned department is now the Housing and Urban Affairs Department. Accordingly, Registry shall carry out necessary correction in the cause title in respect of the respondent no.17, which will now be read as follows:

“17. The State of Assam, represented by the Commissioner & Secretary to the Govt. of Assam, Housing and Urban Affairs Department, Dispur, Guwahati-781005.”

4. Mr. D. Mazumdar, learned Additional Advocate General for the State appears for the State respondents. His assisting counsel shall accept notice on behalf of the substituted respondent no.17.

5. A copy of the memo of appeal along with the interlocutory applications be provided to the assisting counsel for the learned Additional Advocate General within 2 (two) days.

6. List the matter on 05.08.2026.

JUDGE

JUDGE

Comparing Assistant