

GAHC010245602022



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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
NAMESLY 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
HOUSING AND URBAN AFFAIRS DEPARTMENT
GOVT. OF ASSAM
DISPUR
GUWAHATI-781005.

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
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
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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
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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

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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

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S/O LATE JYOTISH CHANDRA NEOG

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

56:SMTI. CHANDRAKALA KHAJANCHI
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S/O SRI MAHABIR PRASAD KEDIA

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S/O LATE SRISH CHANDRA PODDAR

63:SMTI. SNEHA HARLALKA
D/O LATE DILIP AGARWAL

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RESPONDENT NO 45 TO 64 ADDRESS ARE - RESIDENT OF DWARKA
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GUWAHATI-781012
KAMRUP (M)
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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
R/O LAMB ROAD
AMBARI
GUWAHATI-781001.

67:M/S ACCENT REALCON PVT. LTD.
HAVING ITS REGISTERED OFFICE AND PRINCIPAL PLACE OF BUSINESS

AT B.K. KAKATI ROAD
ULUBARI
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 the Petitioner : MR. A BORPUZARI, MR D K MISHRA,MR. M MORE

Advocate for the Respondent : GA, ASSAM, MR S R A NASER (R-65,66,67),MR G ALAM (R-65,66,67),MR G PATHAK (r-26),MR B SARMAH (r-26),FOR CAVEATOR,MR. R C SAIKIA,SC, REVENUE

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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TO THE GOVERNMENT OF ASSAM
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20:SRI LALIT MOHAN DAS
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RESPONDENT NO 45 TO 64 ADDRESS ARE - RESIDENT OF DWARKA
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GUWAHATI-781012
KAMRUP (M)
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67:SRI RIJU PRASAD SARMA
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

Linked Case : I.A.(Civil)/2068/2026

SHRI PAWAN KUMAR GOEL
S/O. SHER SINGH GOEL
R/O LAMB ROAD
AMBARI
GUWAHATI 781001

2: PRABEEN KR MASKARA
S/O. LATE MAHABIR PRASAD MASKARA
R/O B. KAKATI ROAD
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GUWAHATI 781007

3: MS ACCENT REALCON PVT LTD
HAVING ITS REGISTERED OFFICE AND PRINCIPAL PLACE OF BUSINESS AT
B.K. KAKATI ROAD
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GUWAHATI-781007 REPRESENTED BY ITS DIRECTOR
VERSUS

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

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REPRESENTED BY THE BOARD OF TRUSTEES/BARDEURI SAMAJ
NAMELY PHANINDRA SARMA
S/O. LATE SITARAM SARMA
KAMAKHYA DEVALAYA KAMAKHYA HILL
GUWAHATI - 781001

Advocate for : MR S R A NASER
Advocate for : GA
ASSAM appearing for KABINDRA PRASAD SARMA AND ANR

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

ORDER

Date : 27.08.2026
(K.R. Surana, J)

Heard Mr. P.K. Sharma, learned counsel for the appellants. Also heard Mr. D. Mazumdar, learned Additional Advocate General for the State; Mr. A. Phukan, learned counsel appearing for respondent nos. 65, 66 and 67; Ms. N. Bordoloi, learned standing counsel Revenue Department; and Ms. A. Yasmin, learned counsel appearing on behalf of Mr. R.C. Saikia, learned senior counsel for respondent no. 41.

2. Pursuant to order dated 30.07.2026, the record of WP(C)/6498/2003 is received. It appears that respondent no. 44 was impleaded vide order dated 25.02.2016, passed in I.A.(C)/1318/2015. Therefore, the address of respondent no. 44 as provided in the cause-title is same address which has been disclosed by the said respondent no.44. In so far as the address of respondent no. 18 is concerned, the address is vill-Kamakhaya gaon, Mouza-Jalukbari. However, as per the record the respondent no. 18 was impleaded vide order dated

16.09.2013, passed in Misc Case No. 614/2009 and Misc Case No. 1484/2010. Therefore, the address of respondent no. 18 is also same as disclosed by the respondent no. 18.

3. Under the circumstances, the prayer made by the learned counsel for the appellant is allowed permitting notice to be served on respondent nos. 18, 26, 44, 52, 57 and 63 by dasti mode.

4. Steps is required to be taken within 2 (two) working days.

5. Notice is made returnable on 22.09.2026.

6. Upon service an affidavit of service shall be filed prior to the next date of listing.

7. The Court takes note of the submission made by Mr. A. Phukan, learned counsel for the applicant in I.A.(C)/690/2025. It is submitted that as per the interim order passed by this Court by order dated 17.02.2023, the following direction have been passed:-

“In the meantime, status quo as it exists today in respect of the land in question, including possession and status in revenue records, shall be maintained.”

8. Accordingly, it is submitted that this order ought not to come in the way of the authorities of the Land Revenue Department to proceed with the exercise of settlement in respect of the Debutter land as well as other land which is covered by villages- Durga Sarovar, Bhubaneswari, Borah and Kamakhya of the Nilachal Hills.

9. In view of the submissions made by the learned counsel for the applicants in I.A.(C)/690/2025, the Court is inclined to issue notice to all the appearing parties to make their respective submission as to why the revenue authorities shall not allowed to undertake the exercise of land settlement in a

manner that it would not disturb the possession and status in the revenue records and the said exercise shall be subject to further orders that may be passed by this Court.

10. This order is being passed taking note of the fact that the case of the applicant is that there is encroachment by a third party near to his adjoining land, which is the subject matter of I.A.(C)/2068/2026, which is detrimental to his possession. Therefore, if such an exercise is done it would help the revenue authorities and District Administration to prevent further encroachment of any further land or from preventing unauthorised construction to come up on the land which may belong to the deity.

11. The learned State counsel as well as the learned for the appearing parties are permitted to send a downloaded copy of this order to their respective parties.

12. List on 22.09.2026.

JUDGE

JUDGE

Comparing Assistant