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

Case No. : WP(C)/6868/2025

KRISHNASHRAM SHIV MANDIR TRUST
NAGAON, ASSAM, A DULY CONSTITUTED TRUST UNDER THE
REGISTRATION ACT, 1908 VIDE TRUST DEED NO. 2025/IGR063/4/197 DATED
7/7/2025 IN CONNECTION WITH REGISTERED TRUST DEED NO. 5823 DTD.
20/4/1970 BY WHICH KRISHNASHRAM SHIVA MANDIR TRUST WAS
FORMED AND REGISTERED WITH ITS HEAD OFFICE AT NAGAON TOWN,
DISTRICT- NAGAON, ASSAM, REPRESENTED BY ITS PRESIDENT ALOK
GOSWAMI, AGE 69 YEARS, S/O- LATE KUSHA DEV GOSWAMI R/O-
B.M.ROAD, AMOLAPATTY, P.O.- NAGAON, P.S.- SADAR, DISTRICT-
NAGAON, ASSAM, PIN- 782001

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI -06.

2:THE COMMISSIONER AND SECRETARY GENERAL ADMINISTRATION
DEPARTMENT
DISPUR
GUWAHATI -06.

3:DISTRICT COMMISSIONER
NAGAON
ASSAM
PIN-782001

4:ADDITIONAL DISTRICT COMMISSIONER
NAGAON
ASSAM
PIN -782001.

5:MR DHRUBAJYOTI SARMAH
CHAIRMAN
NAGAON DEVELOPMENT AUTHORITY
NAGAON
ASSAM.PIN -782001

6:SUDEEP NATH ACS
ADDITIONAL DISTRICT COMMISSIONER
NAGAON
ASSAM
PIN-782001

7:BHASKAR CHOUDHURY ACS
ASSISTANT COMMISSIONER
NAGAON
ASSAM
PIN -782001

8:NABA GOSWAMI
S/O- LATE SARAT CHANDRA GOSWAMI
R/O AMOLAPATTY
P.O- NAGAON
DISTRICT -NAGAON
ASSAM
PIN - 78200

Advocate for the Petitioner : MR. P MAHANTA, MS. P SAHARIA,C SARMA

Advocate for the Respondent : SR. GA, ASSAM, SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 05.12.2025

Heard Mr. P. Mahanta, learned counsel for the petitioner; Ms. G. Hazarika, learned Standing Counsel, Revenue and Disaster Management Department for the respondent no. 1; and Mr. S.S. Roy, learned Junior Government Advocate, Assam for the respondent no. 3 & 4.

2. In this writ petition, assail is made to the decision taken in a meeting convened in connection with reconstituting of Managing Committee/Board of Trustees of Krishna Ashram Shiv Mandir, Nehrubali, Kolongpar, Nagaon in the office of the respondent no. 3 on 07.11.2025. The assail is made on the ground that the deponent was allowed by the only surviving member from the original Board of Trustees of Krishna Ashram Shiv Mandir by a Letter dated 20.05.2015 to execute and register a new trust deed for the management of Krishna Ashram Shiv Mandir. The deponent has projected that after much efforts, he could convene a general meeting on 24.08.2024 wherein he presided and the meeting was attended by a large number of public spirited person. Pursuant to decisions taken therein, a new Trust Deed was registered on 07.07.2025 to manage the affairs of Krishnasram Siva Mandir Public Religious Charitable Trust wherein the deponent has been made the President. It is in his capacity as President, the writ petition is preferred in the name of the Trust.

3. The Trust was run since its beginning on the basis of a registered trust deed executed and registered in the year 1970. Having noticed the developments that had taken place as regards the Managing Committee/Board of Trustees of Krishna Ashram Shiv Mandir, the respondent no. 3 convened a meeting for reconstitution of Managing Committee/Board of Trustees after receipt of a complaint regarding unauthorised action to register a new Trust Deed for Krishna Ashram Shiv Mandir despite existence of a Trust Deed executed in the year 1970.

4. Having regard to Clause 5 and Clause 6[A][1] of the original registered Trust Deed of Krishna Ashram Shiv Mandir, the meeting convened on 07.11.2025 took a number of resolutions/decisions and the same were reduced in the form

of Minutes. One of the decisions was to invite a devotee community meeting to select new trustees and thereafter, to reconstitute the Board of Trustees/Managing Committee in view of registration of a new Trust Deed without following the mechanism provided in the original trust instrument. Decision was taken for adhering to letter and spirit to ensure the integrity of Krishna Ashram Shiva Mandir's management and governance.

5. The petitioner has claimed that he was elected as the President of the Managing Committee/Board of Trustees after the proceeding on 24.08.2024 and execution of a new Trust Deed registered on 07.07.2025. Assailing the resolutions/decisions taken in the public meeting on 07.11.2025, the instant writ petition is preferred.

6. Issue notice, returnable in 4 [four] weeks.

7. As Ms. Hazarika, learned Standing Counsel, Revenue and Disaster Management Department has appeared and accepted notice on behalf of the respondent no. 1; and Mr. Roy, learned Standing Counsel, Junior Government Advocate, Assam has appeared and accepted notice on behalf of the respondent nos. 3 & 4, issuance of formal notice to the said respondents is dispensed with. However, requisite nos. of extra copies of the writ petition along with annexures are to be furnished to Ms. Hazarika and Mr. Roy within 2 [two] working days from today. The petitioner shall also furnish requisite nos. of extra copies of the writ petition along with annexures to Mr. A. Phukan, learned Standing Counsel, GAD within 2 [two] working days from today.

8. Having noticed that though the respondent nos. 5, 6 & 7 attended the public meeting on 07.11.2025 in their official capacities, the petitioner without

any pleadings of mala fide and making them parties in their official capacities in the array of respondents have impleaded them individually. In such view of the matter, no notice is issued to them at this stage.

9. The petitioner shall take steps for service of notice upon the respondent no. 8 by speed post with A/D within 2 [two] working days from today.

10. The prayer for interim relief is kept open for consideration on the returnable date. The question of maintainability of the writ petition is also kept open for consideration on the returnable date.

JUDGE

Comparing Assistant