

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2023  
(@ SLP(CIVIL) NO(S). OF 2023  
@ DIARY NO. 23917 OF 2017)

KABINDRA PRASAD SARMA

.....APPELLANT(S)

VERSUS

CHIEF SECRETARY GOVERNMENT OF ASSAM & ORS.  
ORDER

.....RESPONDENT(S)

1. Delay condoned.
2. Leave granted.
3. We have heard the learned senior counsel appearing for the parties.
4. In paragraph '5' of the affidavit dated 03.09.2023 filed by the State of Assam, it is mentioned as under: -

"That moreover, it is to be brought on record that in a Meeting that was held on 13.08.2023 at the Chief Ministers Office, Presided over by the Hon'ble Chief Minister, Assam, to discuss the matter relating to Maa Kmakhya Corridor and associate aspects, it has been decided that at present the Doloi Samaj is running the affairs of the Temple Administration satisfactorily in close coordination with the local administration and the current system may continue."

5. Now, a further affidavit has been filed on behalf of the State Government on 08.11.2023. In paragraphs '4' and '5' of the said affidavit, following are the statements made: -

"4. That it is a matter of record in the present case, as already averred in the Counter Affidavit dt. 5.1.2019 that a Savings Bank Account (No. 35323126371, SBI Kamakhya Temple Branch, Guwahati, Assam) was opened and the available balance in the said Account as on 10.07.2019 was Rs. 11,03,260.50/- (Rupees Eleven Lac Three Thousand and Two Hundred and Sixty and Fifty Paise Only). However, the said Account has not been operated since Stay granted by this Hon'ble Court vide Order dated 04.10.2017.

5. That in view of the Affidavit of State of Assam dated 03.09.2023 Order dt. 3.10.2023 of this Hon'ble Court, the matter was considered by competent authorities of the Respondent-State and the following is submitted in this regard: -

i) The Government of Assam is taking the development activities of Maa Kamakhya Temple in big way under the PM DevINE Scheme;

ii) As such, it is decided that the amount of Rs. 11,00,664.50 (Eleven Lakh Six Hundred and Sixty Four and Fifty Paise Only) lying in Account No. 35323126371, SBI, Kamakhya Temple Branch, Guwahati

may be handed over to Doloi Samaj, Maa Kamakhya Devalaya and the account may be closed.

It is respectfully submitted that the present Special Leave Petition may be disposed off in light of the aforesaid position.

So far as handing over of the amount of Rs. 11,00,664.50 (Eleven Lakh Six Hundred and Sixty Four and Fifty Paise Only) lying in Account No. 35323126371, SBI, Kamakhya Temple Branch, Guwahati to Doloi Samaj, Maa Kamakhya Devalaya, is concerned, the same can be done within 2 weeks from the Orders/Directions of this Hon'ble Court."

6. In the above-mentioned affidavits, there is an assurance that Government of Assam is taking up the development activities of Maa Kamakhya Temple in big way under the PM-DevINE Scheme. Now, there is also an assurance that the amount of Rs. 11,00,664.50 (Rupees Eleven Lakh Six Hundred and Sixty Four and Fifty Paise Only) lying deposited in Account No. 35323126371, SBI, Kamakhya Temple Branch, Guwahati will be handed over to Doloi Samaj, Maa Kamakhya Devalaya and thereafter, the account would be closed. The earlier affidavit records that at present, Doloi Samaj is satisfactorily managing the affairs of the temple in close coordination with the local administration and the current system may continue. Therefore, the impugned orders need not operate now and we direct that instead of the impugned orders, what is recorded in the aforesaid affidavits of the State Government and the prevailing arrangement of managing the affairs of temple shall continue. We take on record the

assurance of the State Government that it is taking up development activities of Maa Kamakhya Temple in big way under the PM-DevINE Scheme. The said assurance shall be abided by the State Government in its true letter and spirit.

7. Accordingly, the impugned judgments will not operate and the arrangement, which is noted above in this order and in terms of both the affidavits of the State of Assam, will continue to operate.

8. The appeals are, accordingly, partly allowed on the above terms.

9. Pending application(s), if any, shall stand disposed of.

.....J.  
[ABHAY S. OKA]

.....J.  
[PANKAJ MITHAL]

NEW DELHI;  
NOVEMBER 10, 2023.

ITEM NO.50

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 23917/2017

(Arising out of impugned final judgment and order dated 15-10-2015 in PIL No. 10/2015 08-06-2017 in RP No. 15/2016 passed by the Gauhati High Court)

KABINDRA PRASAD SARMA

Petitioner(s)

VERSUS

CHIEF SECRETARY GOVERNMENT OF ASSAM &amp; ORS.

Respondent(s)

(IA No. 92551/2017 - CONDONATION OF DELAY IN FILING

IA No. 92554/2017 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS

IA No. 71530/2022 - INTERVENTION/IMPLEADMENT

IA No. 70439/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 10-11-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Dr. Rajiv Dhawan, Sr. Adv.  
Mr. Manish Goswami, Adv.  
Mr. Priyonkoo Anjan Gogoi, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Mr. Devajit Saikia AG, Assam, Sr. Adv.  
Mr. Shuvodeep Roy, AOR  
Ms. Padmini Barua, Adv.  
Mr. Saurabh Tripathi, Adv.  
Mr. Deepayan Dutta, Adv.

Mr. Kaustubh Dube, Adv.  
Mr. Uday B. Dube, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

Leave granted.

The appeals are partly allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)

(Signed order is placed on the file)