

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).30721-30723/2011

(From the judgement and order dated 25/10/2011 in WA No. 311/2004 & WA No. 312/2004 & WPC No. 923/2005 of The HIGH COURT OF GUWAHATI, ASSAM)

RIJU PRASAD SARMA ETC.ETC. Petitioner(s)

VERSUS

STATE OF ASSAM & ORS. Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and permission to bring on record subsequent facts and documents and I.A. Nos. 7-9 - applns. for permission to bring on record addl. documents with prayer for interim relief and office report)

WITH

Contempt Petition (Civil) Nos. 440-442 of 2011 in S.L.P. (Civil) Nos. 30721-30723 of 2011

Date: 21/11/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. F.S. Nariman, Sr. Adv.
Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Arunabh Choudhury, Adv.
Mr. Anupam Lal Das, Adv.
Mr. Satyan Sarma, Adv.
Mr. Parthiv Goswami, Adv.
Mr. B.C. Sarma, Adv.
Mr. Yaibhav Tomar, Adv.
Mr. G. Panmei, Adv.

For Respondent(s) Mr. P.P. Rao, Sr. Adv.
Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Suman Shyam, Adv.
Mr. Manish Goswami, Adv.
Mr. Ajay Bansal, Adv. for
M/S Map & Co.

Mr. Dushyant Dave, Sr. Adv.
Mr. Avijit Roy, Adv.
Ms. Deepika Singh, Adv. for
M/S Corporate Law Group

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

Petition(s) for Special Leave to Appeal (Civil) No(s).30721-30723/2011 :

Issue notice.

Mr. Ajit Roy, Advocate, for respondent Nos. 1 and 2, and Mr. Suman Shyam, Advocate for respondent Nos. 3 to 8, waive service for the respective respondents. In this view of the matter, service of notice on the respondents is complete.

Counter affidavit may be filed within ten weeks from today. Rejoinder, if any, may be filed within four weeks thereafter. List the matter after 14 weeks.

In the meanwhile, the following interim order shall remain operative :-

(i) The State Government shall take immediate steps in framing rules for carrying out elections for ex officio Secretary and elected members of the Managing committee contemplated by Section 25A of the Assam State Acquisitions of Lands belonging to Religious or Charitable Institution in Public Nature Act, 1959. We record the statement of Mr. Dushyant Dave, learned senior counsel for the State of Assam that in one month, the rules as directed above will be in place.

(ii) After the rules are framed as above and list of electoral college is finalised in accordance with such rules, election for ex officio Secretary and five elected members of the Managing Committee shall take place and be completed within eight weeks thereafter.

(iii) Until the constitution of the Managing Committee as above, the administration of the

Sri Sri Kamakhya Devalaya shall continue as per the order May 13, 2002 passed by the Single Judge of the Guwahati High Court.

(iv) The actions taken by the State Government pursuant to the order of the Division Bench passed on October 25, 2011 inconsistent with the order dated May 13, 2002 are rendered inoperative, save and except the election of Doloi/s declared on November 16, 2011.

(v) The elected Doloi/s shall have monopoly to perform regular worship at the principal temple of Sri Sri Kamakhya Devalaya and the incidental matters.

(vi) However, the present Committee in administration of Sri Sri Kamakhya Devalaya shall not incur any expense exceeding Rs. 50,000/- (Rupees Fifty Thousand) at a time and should such a need arise, the approval of the Deputy Commissioner, Kamrup shall be obtained.

(vii) Any objection to the validity of the rules that may be framed by the State Government pursuant to above direction or challenge to the election to be held thereafter shall be raised before this Court only.

The above arrangement is subject to further orders in the special leave petitions.

Contempt Petition (Civil) Nos. 440-442 of 2011 in S.L.P. (Civil) Nos. 30721-30723 of 2011 :

In view of the order passed in the special leave petitions above, no further orders need to be passed in these contempt petitions. The contempt petitions are dismissed accordingly.

(Rajesh Dham)
Court Master

(Renu Diwan)
Court Master