

BEFORE

HON'BLE MR JUSTICE I A ANSARI

The petitioner, a bardeuri of Ugratara Temple, which is situated at Lamb Road, Guwahati, has, with the help of this writ petition, made under Article 226 of the Constitution of India, put to challenge the taking over of possession of a plot of land, measuring 2.37 ares, covered by Dag No. 933 and 935 of Village Sahar Guwahati Part-II, Mauza Ulubari, by the respondent No. 5, who is Secretary of the Managing Committee of the said temple in terms of the appointment, made by order, dated 16.09.03, passed by the learned District Judge, Kamrup. The certificate (which is placed at Annexure 12 to the writ petition) showing handing over of the possession, as aforesaid, has been accordingly sought to get set aside and quashed.

Broadly speaking, the writ petitioner has challenged the taking over of the possession of the land, in question, by the respondent No. 5 on two grounds, namely, (i) that the respondent No. 5 is not competent, under the law, to receive possession on behalf of the temple inasmuch as he is not a bardeuri and, (ii) that the plot of land, in question, is a Government land reserved for road and not a mere road-side land and hence, possession thereof could not have been handed over, under the law, to any one by the State Government.

I have heard Mr. S.P. Roy, learned counsel, appearing on behalf of the petitioner, and Mr. R. K. Bora, learned Government Advocate, Assam, appearing on behalf of respondent No. 4. I have also heard Mr. C.K.S. Baruah, learned Senior counsel, appearing on behalf of respondent No. 5.

During the course of hearing of this writ petition, which has been taken up, for final disposal, at the admission stage, in terms of the observations made, in this case, on 08.08.2007, a consensus has been arrived at by the parties concerned with regard to the controversy, which forms the subject-matter of this writ petition, and, this writ petition is, now, as agreed to by the learned counsel for the parties, disposed of with the following directions without, however, expressing any opinion on the veracity or correctness of the contentions raised by the parties concerned:

Boundary wall, with requisite number of gates, may be raised by the Temple authority/Managing Committee of the Ugratara Temple around the land, in question, and the said land may be utilized by the Temple authority/Managing Committee of the said temple as a garden and for the purpose of beautification of the temple. No further permanent construction shall be raised by the Temple authority/Managing Committee of the said temple. No right and/ or interest of the said temple in the said plot of land shall be alienated, in any manner, to any one, by the Temple authority/Managing Committee of the said temple.

Furnish a copy of this order to the learned Government Advocate.