RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)

Registration Number (पंजीकरण संख्या) :	IITGW/R /E/20/00121	**Date of Receipt (प्राप्ति की तारीख) :**	21/08/2020
Type of Receipt (रसीद का प्रकार) :	Online Receipt	**Language of Request (अनुरोध की भाषा) :**	English
Name (नाम) :	Dharmender Kumar	**Gender (लिंग) :**	Male
Address (पता) :	Saluja house, PP compound, Ranchi, Jharkhand, Pin:834001		
State (राज्य) :	Jharkhand	**Country (देश) :**	India
Phone Number (फोन नंबर) :	Details not provided	**Mobile Number (मोबाईल नंबर) :**	Details not provided
Email-ID (ईमेल-आईडी) :	avkh102@gmail.com		
Status (स्थिति) (Rural/Urban) :	Urban	**Education Status :**	Above Graduate
Is Requester Below Poverty Line ? (क्या आवेदक गरीबी रेखा से नीचे का है?) :	No	**Citizenship Status (नागरिकता)**	Indian
Amount Paid (राशि का भुगतान) :	10) (original recipient)	**Mode of Payment (भुगतान का प्रकार)**	Payment Gateway
Does it concern the life or Liberty of a Person? (क्या यह किसी व्यक्ति के जीवन अथवा स्वतंत्रता से संबंधित है?) :	No(Normal)	**Request Pertains to (अनुरोध निम्नलिखित संबंधित है) :**	Dilip Boro
Information Sought (जानकारी मांगी):	Dear Sir/Madam, Please refer to the uploaded supporting document which is the final court judgement in the matter of PIL 26/2019 which was filed at Gauhati High Court. In this judgement, it is mentioned that IIT Guwahati submitted to the Gauhati High Court that a temple (the construction of which was challenged through this PIL) existed much before the land was given to IIT		

Guwahati and that some tribals were living at the place which was given to the IIT. IIT Guwahati submitted that the local people from whom the land was acquired also requested the authority to allow them to visit and worship in the temple as they have been doing it for generations.

In this regard, please provide the following information:

1) A certified copy of the letter/application which was given by the tribal people to some authority of IIT Guwahati where a request was made by that letter/application to allow them to visit and worship in the temple.

2) Please provide the name and designation of the authority of IIT Guwahati who received such a letter/application mentioned in 1).

3) Please provide a certified copy of the order/circular/BoG minutes which shows that IIT Guwahati authorities allowed tribals to visit and worship in the temple.

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GAHC010089962019

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

Case No. : PIL 26/2019

1:BRIJESH KUMAR RAI AND ANR
S/O. SRI JAGANNATH PRASAD RAI, R/O. C-66, FACULTY QUARTERS, INDIAN INSTITUTE OF TECHNOLOGY GUWAHATI, P.O. AND P.S. JALUKBARI, GUWAHATI, DIST. KAMRUP, ASSAM. PIN- 781039.

2: VIKRANT SINGH
S/O. SRI ANIL KUMAR SINGH
R/O. S-240
BRAHMAPUTRA HOSTEL
INDIAN INSTITUTE OF TECHNOLOGY GUWAHATI
P.O. AND P.S. JALUKBARI
GUWAHATI
DIST.- KAMRUP
ASSAM. PIN- 781039

VERSUS

1:THE UNION OF INDIA AND 3 ORS.
REP. BY THE SECY. TO THE DEPTT. OF HIGHER EDUCATION, MINISTRY OF HUMAN RESOURCE DEVELOPMENT, 127-C, SHASTRI BHAWAN, DR. RAJENDRA PRASAD RD, RAJPATH AREA, CENTRAL SECRETARIAT, NEW DELHI- 110001.

2:THE DIRECTOR
INDIAN INSTITUTE OF TECHNOLOGY GUWAHATI
GUWAHATI
ASSAM. PIN- 781039.

3:THE BOARD OF GOVERNORS
INDIAN INSTITUTE OF TECHNOLOGY GUWAHATI
THROUGH ITS CHAIRMAN
GUWAHATI
P.O. AND P.S.- JALUKBARI

DIST.- KAMRUP(R)
ASSAM. PIN- 781039.

4:RAJIV I. MODI
EX-CHAIRMAN
INDIAN INSTITUTE OF TECHNOLOGY GUWAHATI
CADILA CORPORATION CAMPUS
SARKHEJ- DHOLKA ROAD
BHAT
AHMEDABAD
GUJARAT- 382210

Advocate for the Petitioner : MS. D GHOSH

Advocate for the Respondent : MR. S C KEYAL, (R-1) ASSTT. S.G.I.

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HONOURABLE MR. JUSTICE NELSON SAILO

DATE:26.02.2020

JUDGMENT AND ORDER(CAV)

Heard Ms. D Ghosh, learned counsel for the petitioners and Mr. RP Kakoti, learned Senior Counsel for the respondent, IITG as well as Mr. SC Keyal, learned ASGI for the respondent Union of India.

2. The petitioner No.1 Dr. Brijesh Kumar Rai is an Assistant Professor in the Department of Electronics and Electrical Engineering in the Indian Institute of Technology, Guwahati (IITG) and the petitioner No.2 Vikrant Singh is a Research Scholar pursuing his Ph.D in the Department of Electronics and Engineering in IITG. Both the petitioners preferred this PIL on being aggrieved by the illegal construction of a temple inside the IITG campus, which was done without any due authority and thereby depriving the resident and non-resident staffs

and students of IITG from their fundamental right to live, work and study in a secular environment. It is stated that although the respondent authorities in IITG had denied having undertaken any responsibility for the construction of the temple, but at the same time, they are providing electricity to the temple at the cost of public money.

3. The petitioners submitted representation dated 12.02.2009 before the authorities of the IITG as well as the authorities of the Government of India in the Ministry of Human Resource Development and the Central Vigilance Commissioner that no permission was granted by the IITG for construction of the temple and that some officials of the IITG are behind the illegal construction but inspite of the petitioners having brought it to the notice of the authorities of the IITG, no credible action had been taken to stop such illegal construction. The representation also appears to be a notice of 15 days that on the failure to take action within 15 days, the petitioners would be constrained to initiate legal action against the authorities of the IITG. Photographs have been annexed to the PIL showing that initially the temple comprised a small hut-like structure built around the year 2004/2005, i.e. much after the IITG had started its functioning from its present campus. But, thereafter about four years back, the temple had been refurbished. In the circumstance, the PIL seeks for a direction to the respondent authorities to demolish the illegally constructed temple and also for initiating disciplinary action against such officials of the IITG who were involved in such illegal construction of the temple inside the campus of IITG.

4. The respondent IITG through the Registrar of the Institute filed an affidavit-in-opposition. In their affidavit-in-opposition, the credential of the petitioners for having a *locus standi* in maintaining the present petition had been questioned. A specific stand has been taken that there are representative bodies of the students as well as the faculties and employees of the IITG, namely, the students' faculties, the faculty forum and officer's forum respectively. Apart from the aforesaid bodies, IITG has Grievance Redressal Cell as well to take care of any grievance of the public as well as that of the staffs. By saying so a stand is taken that none of the aforesaid bodies, who are representative bodes in the IITG have raised any objection as regards the existence, continuing, construction of the temple concerned. A further stand is taken that the IITG campus has about ten thousand residents