

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 907 of 2022

***Sri Kunjabiharijew Bijew & Another* *Petitioners*
*Mr. S.K. Choudhury, Advocate***

Versus

***State of Odisha & Others* *Opposite Parties*
*Ms. Saswata Patnaik, A.G.A.***

**CORAM:
JUSTICE C.R. DASH
JUSTICE SAVITRI RATHO**

Order No.

**ORDER
18.01.2022**

01.
 1. This matter is taken up through virtual mode.
 2. Heard Mr. S.K. Choudhury, learned counsel for the petitioner and Ms. Saswata Patnaik, learned Addl. Govt. Advocate for the State.
 3. A new Trust Board for the petitioner-deity has been constituted by the Addl. Asst. Commissioner of Endowments by Annexure-19 under Section 27 of the Orissa Hindu Religious Endowment Act. The petitioner who is the Interim Managing Trustee appointed by the Commissioner and who is also continuing as such has some specific allegation against the Opp. Party Nos. 5 to 10 who are stated to be the members of the new Trust Board.
 4. Since the Trust Board having already been constituted, we deem it just and proper to refer the matter to the learned Commissioner Endowments to find out the veracity of allegations made by the petitioner.
 5. In that view of the matter, we direct the petitioner to file a detailed petition with specific allegation against the Opp. Party Nos. 5 to 10.

6. The Commissioner shall enquire into the matter himself or through Addl. Assistant Commissioner Endowments in accordance with law within a period of two months from the date of filing of the representation by the petitioner.

7. If any of the Member of the Trust Board i.e. Opp. Party Nos.5 to 10 has any interest adverse to the interest of the deity his/their name/names should be dropped from the Trust Board.

8. It is needless to mention here that an opportunity of hearing shall be given to all the parties including the petitioner and Opp. Party Nos. 5 to 10 in course of the enquiry.

9. With the aforesaid observations, the writ petition is disposed of with a caveat that till disposal of the enquiry, the present Interim Trust Board shall continue to function.

10. In view of the restrictions due to resurgence of COVID-19 situation, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

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(C.R. Dash)
Judge

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(Savitri Ratho)
Judge