

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.3386 of 2008

***Sri Grameswar Deb and Kanak
Durga Thakurani Bijee at Rendua,
Puri*** ***Petitioner***

Mr. A.K. Mishra, Advocate

-versus-

Arjun Panda and others ***Opp. Parties***
Mr. D. Mohapatra, Advocate
Mr. A.K. Nath, Advocate for Endowments

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

**ORDER
09.03.2022**

Order No.

I.A. No.3581 of 2020

- 19.
1. This is an application for substitution.
 2. Considering the grounds taken in the application, the substitution application is allowed.
 3. The I.A. is disposed of. Consolidated writ petition is taken on record.

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4. The challenge in the present petition by the persons claiming to be the Trust Board Members representing the deity is to an order dated 8th February, 2008 passed by the Commissioner of Endowments, Orissa, Bhubaneswar in R.C. No.16 of 2001 under Section 9 of the Orissa Hindu Religious Endowments Act. Challenge is also laid to the order dated 19th October, 2001

of the Assistant Commissioner of Endowments, Bhubaneswar in Misc. Case No.1 of 1999 whereby the Assistant Commissioner directed possession of the properties to be given to the hereditary sevaks who are impleaded in the present petition as Opposite Parties 1 to 17.

5. This Court while issuing notice in the present petition on 5th March, 2008 had directed that the Inspector of Endowment, Puri shall remain in charge of the Management of Sri Grameswar Deb and Sri Kanak Durga Thakurani situated at Biraharekrushnapur until further orders. That interim order has continued till date.

6. One of the grievances raised by the present Petitioner is that the Assistant Commissioner of Endowments passed the aforementioned order without hearing the Petitioner. Learned counsel for Opposite Parties 1 to 17, on the other hand, contends that the present Petitioners, who are villagers and not the trustees had earlier unsuccessful petitioned the Assistant Commissioner for possession to be handed over to them. The order of the Assistant Commissioner rejecting the petition was upheld by the Commissioner in revision and that order was not challenged.

7. Having heard learned counsel for the parties, the Court is of the view that the matter should go back to the Assistant Commissioner of Endowments for a fresh hearing to enable both the parties to place their respective cases before the

Assistant Commissioner for a proper decision on merits. Consequently, the impugned orders (Annexure-8 and 10) are hereby set aside and Misc. Case No.1 of 1999 is remanded to the file of Assistant Commissioner for a fresh hearing on merits uninfluenced by the decisions set aside by this Court. Both the parties are directed to appear before the Assistant Commissioner on 2nd May, 2022. The Assistant Commissioner shall dispose of the said Misc. Case No.1 of 1999 after hearing the parties by a reasoned order which shall be passed within four months thereafter. Till such time, the interim order passed by this Court on 5th March, 2008 will continue.

8. The writ petition is disposed in the above terms.

9. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge