IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 23335 of 2010

Raghunath Pujapanda .... ***Petitioner***

Mr. Prafulla Kumar Rath, Advocate

-versus-

Jagannath Temple Administration and Another .... ***Opposite Parties***

Mr. Subrat Satpathy, Advocate
Mr. Dayananda Mohapatra, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAIK

ORDER

Order No. **16.02.2022**

05. 1. A dispute between two Sevayats as to who should perform the puja to the deity Lord Sri Ananta Basudev in the temple premises of Lord Sri Jagannath Mahaprabhu Bije, Puri has resulted in the present petition being filed.

2. The Petitioner claims that the right of his predecessor-in-interest as sevayat is recorded in the temple Record of Rights (RoR) in respect of Plot No.85 where the temple of the deity Lord Sri Anant Basudev is located. Earlier Title suit No.238 of 1958 had been filed in the Court of then Munsif, Puri for declaration of the Sevayati rights of the predecessors-in-interest of the present Petitioner in respect of the same deity. At that time the Petitioner's uncle was a co-sharer with the Petitioner. After his death, according to the Petitioner, the entire right is stated to have devolved on the Petitioner. It is stated that the Civil Court passed a declaratory decree recognising the Sevayati right of the Plaintiffs

in the said suit and also granted a decree of permanent injunction against Defendant Nos.1,4 and 5 thereto. The allegation of the Petitioner is that despite the said decree Opposite Party No.2 herein, Shri Raj Kishore Padhani, created disturbance in the Seva Puja of the deity.

3. Mr. P.K. Rath, learned counsel appearing for the Petitioner further informed the Court that, for a period of fourteen years the Sevayat right had been leased out by the Petitioner and that period has also come to an end in the meanwhile. The present litigation arose when Opposite Party No.2 is alleged to have diverted the visitors to the temple of deity Lord Sri Anant Basudev to "a scripture incorporated in the wall existing near band garh'' which according to Mr. Rath, is in Plot Nos.11 and 12. According to him, this particularly occurs on the date of Anantabrat in the temple.

4. The present round of litigation commenced with initiation of Misc. Case No.8 of 1999 by the present Petitioner before the Administrator, Sri Jagannath Temple (Opposite Party No.1). By an order dated 4th December, 2000 an ex-parte order was passed by Opposite Party No.1 rejecting the application. This was challenged before the Appeal Sub-Committee which set aside the said order and remanded the case to the Administrator for a fresh disposal. By an order dated 19th January, 2004 the Administrator again rejected the application. When this was again challenged before the Appeal Sub-Committee, it passed the impugned order dated 23rd April, 2010 observing as under:

> "The dispute raised by him does not come under any of the Subsection of 21 and as such there was no dispute cognizable under the Act and necessarily the appellant has no merit in the case. It is true that the order has been passed in his default but the learned counsel of the appellant does not pray to give him another chance to produce papers or evidence. He does not produce any document before us. The learned Advocate for the appellant wanted to state a new dispute between himself and Respondent No.2 regarding Plot No.85, Anant Basudev Temple. But since it was not within the relief prayed for before the lower court, a new case cannot be entertained in the appellant forum. An objection petition of the Respondent No.2 had been filed before the lower court but such petition can not enlarge the scope of the Appellant's prayer."

5. Mr. Rath, learned counsel for the Petitioner, submits that the temple of Lord Sri Anant Basudev is in Plot No. 85 and the dispute concerning it is intrinsically connected to the dispute relating to the Anantsayan image on the wall of the passage through which bhog is carried from the Rasoi and recorded as Plot Nos. 11 and 12. He submits that the papers/documents concerning the earlier Court decree was submitted before the Administrator but not discussed by him. He further points out that the entries in the RoR are available with the temple administration which would also support his claim.

6. Mr. Dayananda Mohapatra, learned counsel appearing for Opposite Party No.2 (Mr. Rajkishore Pradhani) defends the impugned order contending that the Petitioner was unable to produce documents to persuade the Appeals Sub-Committee to

disagree with the temple Administrator. He points out that Opposite Party No.2 has been performing the 'Sevapuja' to the deity in question undisturbed for over 10 years now. Mr. Dayananda Mohapatra also referred to the fact that the Petitioner had in the meanwhile filed C.S. No. 96/2021in the Court of the Civil Judge (Junior Division), Puri against the Chief Administrator and Opposite Party No.2 as defendants seeking a decree of permanent injunction vis-a-vis the same subject matter i.e. Temple of Lord Ananta Basudev over Plot No.85 inside the Lord Jagannath Temple, Puri.

7. Mr. Subrat Satpathy, learned counsel appearing for the temple Administration does not dispute the fact that the RoR is with it and would reflect what the current status in respect of Plot No.85. He also does not dispute the fact that the documents pertaining to Civil Suit No.238 of 1958 are relevant for deciding the dispute.

8. In response, Mr Rath submitted that if the Petitioner is given one more chance to demonstrate his case with documents before the temple Administrator then he would not pursue the civil suit and would in fact withdraw it with liberty to pursue the matter before the temple Administrator.

9. Having heard the above submissions, the Court is of the view that the order passed by the Administrator on 19th January, 2004 on remand from the Appeal Sub-Committee is indeed a cursory one which does not refer to the RoR or the other developments noted in the earlier proceedings before the Administrator, particularly the decree in favour of the present Petitioner in C.S.No.238/1958 and

earlier proceedings of the Administrator in the same case. The Court is of the view that the Petitioner must be given one more chance to demonstrate his claim before the Administrator. At the same time, all the contentions on behalf of Opposite Party No.2 are also to be left open to be considered by the Administrator.

10. In that view of the matter, the following directions are issued:

a) The impugned orders dated 19th January, 2004 of the Temple Administrator and the order dated 23rd April, 2010 of the Appeals Sub-Committee, Sri Jagannath Temple, Puri are hereby set aside;

b) Misc. Case No.8 of 1999 filed by the present Petitioner is restored to the file of Administrator, Shri Jagannath Temple for a fresh consideration on merits. The Petitioner will file copies of the Court decrees and any other documents in support of his claim before the Administrator on or before 7th March, 2022. By the same time Opposite Party No.2 will also file any documents in support of his case;

c) By that date the Petitioner should file a suitable application in the Court of Civil Judge (Junior Division) for withdrawal of the C.S. No.96 of 2021 with liberty to pursue the matter before the Temple Administration and thereafter if so warranted, before the Appeals Sub-Committee;

d) Misc. Case No.8 of 1999 will be listed before the Administrator for directions on 14th March, 2022 when both

the Petitioner and Opposite Party No.2 will appear. In particular the RoR will be perused and the entries therein pertaining to Plot No.85 and also the grievances vis-a-vis Plot Nos.11 and 12 will be examined and discussed. The Administrator will pass a reasoned order disposing of the said Misc. Case No.8 of 1999 within a period of three months thereafter;

e) All contentions of both the Petitioner and the Opposite Party No.2 are left open for consideration by the Administrator. This Court is clarifying that it has not expressed any view on merits;

f) If aggrieved by the order of Administrator, it will be open to the aggrieved parties to seek appropriate remedies as are available in law;

g) The status quo as of today will continue till the disposal of Misc. Case No.8 of 1999 by the Administrator.

11. The writ petition is disposed of in the above terms. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge

S.K. Jena/P.A.