

IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) NO.6867 OF 2022

Laxmidhar Singhari

....

Petitioner

Mr.G.Padhi, Adv.

-versus-

***The Administrative Officer, Sri
Jagannath Temple, Puri & ors.***

....

Opposite Party(s)

CORAM:
JUSTICE BISWANATH RATH

Order
No.

ORDER
18.4.2022

2.

1. Heard learned counsel for the Petitioner.

2. The Writ Petition involves the following prayer :-

“It is therefore, prayed that your Lordship may graciously be pleased to admit this writ petition and may issue the writ of mandamus or certiorari or order or orders and after hearing may direct O.P. No.1 to pass the order of monthly licence fees by quashing Annexure-6 and decide the monthly license fees according to receipt No.6613 dt.04.08.2000 amounting to Rs.57/- (fifty seven) only per month....”

3. Mr.G.Padhi, learned counsel for the Petitioner submits that the Petitioner is a Licensee having a Dipa Shop inside the Lord Jagannath Temple at Puri and further taking this Court to the Agreement at Annexure-2 through the receipts enclosed right from Page-9 to Page-35 of the Brief alleged that in spite of clearing of all payments, there has been a huge demand by the Temple Administration Committee, vide Annexure-6 in further requirement

of deposit of Rs.4,80,696/-. It is on the basis of demand made running contrary to the condition in the licence, learned counsel for the Petitioner contended that there has been illegal demand at the instance of the Temple Administration, which ought to be interfered with and set aside.

4. In course of argument, even though it becomes clear from the Agreement at Annexure-2 that the Petitioner was provided with a licence to run a Dipa Shop inside the Temple with 2'X 2' at a cost of Rs.68/- per month as licence fee, it is through Page-9 to Page-35, vide Annexure-3 series, this Court finds, there is no denial by the learned counsel for the Petitioner that there has been regular clearing of the licence fee. Learned counsel for the Petitioner further referring to the document at Page-35 admits that there has been one time payment of licence fee clearing six years' licence fees from April, 2008 to December, 2014 at one go on 30.12.2014. Learned counsel for the Petitioner also did not dispute to the clearing of licence fee untimely and that there has been also inordinate delay in clearing the licence fee thereby depriving the Temple involved from even enjoying appropriate interest.

5. It is considering all these, this Court finds, there is admittedly deferred as well as long delayed payments. There is even delayed payment and clearing of licence fee in one go for six years.

It is not known if the Petitioner has violated the licence condition, why there is leniency shown to the Petitioner in allowing to continue further. Be that as it may, for the establishment of deferred and delayed payment of licence fee, there is undisputedly huge outstanding on the Petitioner; may be by way of clearing of licence fee as well as loss of interest for delayed payment by the Petitioner. It is in the circumstance, however keeping in view the demand against the Petitioner, vide Annexure-3 series came to be served before seeking explanation from the Petitioner, considering the allegation of the Petitioner that there has been no opportunity before such assessment is made to the Petitioner, in the interest of justice, this Court feels it appropriate to give the scope of objection to the Petitioner as against the demand, vide Annexure-6 but while keeping in view the delayed deposits permits the scope however subject to deposit of Rs.2,50,000/- (rupees two lakh fifty thousand) in two equal instalments along with an application to re-consider the demand aspect in disclosure of all the payments within one month. In the event the application for re-consideration involving the demand at Annexure-6 is filed along with the first instalment of Rs.1,25,000/- (rupees one lakh twenty five thousand) within fifteen days from today, the Authority concerned shall proceed to consider the same but the final outcome will however be after the full

payment is made within one month and also involving the Petitioner's participation therein. After deposit of the first instalment by the Petitioner, there shall be no coercive action against the Petitioner for at least another fifteen days, within which the Petitioner is required to clear the second instalment. In the event the Petitioner clears both the instalments, it will be open to the Temple Administration to take final decision on the request of the Petitioner with communication of the outcome on him.

6. With this observation, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout

