

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 11139 of 2022

Kedarnath Sahoo

.....

Petitioner

Mr. T.P. Tripathy, Adv.

Vs.

State of Orissa and others

.....

Opposite Parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

20.05.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. T.P. Tripathy, learned counsel for the petitioner and Mr. A.K. Mishra, learned Addl. Government Advocate.

3. The petitioner has filed this writ petition seeking innocuous prayer for disposal of his representation under Annexure-1 by opposite party no.1, Principal Secretary to Govt. of Odisha, Law Department.

4. Mr. A.K. Mishra, learned Addl. Government Advocate vehemently contended that under Rule-54 of Hindu Religious Endowment Act, 1951 the Commissioner is competent to pass order of removal of the Executive Officer and as per the procedure prescribed under Rule-42 (8) of the Act itself, person aggrieved can prefer appeal. Therefore, if any action has been taken by the Commissioner and the petitioner is aggrieved by any such action of the Commissioner, he may prefer appeal before the Secretary, Law Department. But instead of doing so, the petitioner has directly moved to this Court and now made an innocuous prayer for disposal of his representation vide Annexure-1, which cannot

sustain in the eye of law. It is further contended that the petitioner has no locus standi to file this writ petition, as he is not person aggrieved, as the person aggrieved, namely, Sanjeeb Kumar Mohapatra has already approached this Court by filing W.P.(C) No. 22870 of 2017, which is pending adjudication. Since petitioner is not the person aggrieved, he cannot approach this Court by filing the present writ petition and, as such, at his behest the writ petition is not maintainable.

5. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner is in no way connected to the issue involved and, as such, being an outsider, he cannot make any grievance before the Secretary, Law Department to consider his case. In accordance with Hindu Religious Endowment Act, if at all any person is aggrieved, he is Sanjeeb Kumar Mohapatra, and he has already approached this Court by filing W.P.(C) No. 22870 of 2017, which is pending adjudication.

6. In view of the above position, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE