

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.11761 of 2022

(Through Hybrid mode)

Cuttack Oriya Baptist Church

....

Petitioner

Mr. Jaydeep Pal, Advocate

-versus-

***Collector and Dist. Magistrate,
Cuttack***

....

Opposite Party

Mr. P. C. Panda, Addl. Govt. Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER

19.05.2022

Order No.

- 01.** 1. Mr. Pal, learned advocate appears on behalf of petitioner and submits, his client is the Church. It is a private organization, not under control of State. Impugned are letters dated 20th and 27th October, 2020 issued by the Sub-Collector, purportedly pursuant to order dated 16th September, 2020 made in WP(C) no.23645 of 2020 by coordinate Bench, regarding conduct of election. There was no such direction made in said order. His client applied for clarification and the coordinate Bench by order dated 27th April, 2022 clarified as stated in paragraph 8 therein, reproduced below.

“8. Hence, it is clarified that this Court in the order dated 16th September, 2020, by which the writ petition was disposed of, had never empowered the Collector, Cuttack or the Sub-Collector, Sadar, Cuttack, as the case may be, to conduct the election

*of the office bearers of Cuttack Odia Baptist Church,
Cuttack, if they are not so authorized under law.”*

He submits, there be interference in quashing impugned letters.

2. Mr. Panda, learned advocate, Additional Government Advocate appears on behalf of State and submits, he will take notice and the writ petition be posted to after ensuing summer vacation.

3. Court does not see necessity keeping the writ petition pending. The Sub-collector is directed to either maintain impugned letters by providing basis thereof in law, in view of the clarification by order dated 27th April, 2022 saying that Court never empowered the office to conduct election of the office bearers of Cuttack Oriya Baptist Church, if not authorized under law. Otherwise the office will issue appropriate communication withdrawing impugned letters. In event neither is done within two weeks of communication, impugned letters shall stand set aside and quashed.

4. The writ petition is disposed of.

(Arindam Sinha)
Judge

RKS