

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15223 of 2022

Saraswati Panigrahi **Petitioner**

*Mr. P.C. Acharya,
Advocate*

-versus-

State of Odisha & others **Opp. Parties**

*Mr. S.S. Pradhan,
Additional Government Advocate*

*Ms. P. Naidu, Advocate
(For opposite party No.2)*

**CORAM:
JUSTICE BISWAJIT MOHANTY
JUSTICE SAVITRI RATHO**

ORDER

26.09.2022

Order No.

07. 1. Heard Mr. P.C. Acharya, learned counsel for the petitioner, Mr. S.S. Pradhan, learned Additional Government Advocate and Ms. P. Naidu, learned counsel representing opposite party No.2.

On oral prayer, Mr. Acharya, is permitted to correct the schedule attached to the writ petition in Court today and reflect the said schedule in the second copy of the brief.

2. According to Mr. Acharya, the grievance of the petitioner in this case pertains to disbursement of land acquisition compensation in connection with Plot No.174 pertaining to Khata No.73 and Plot No.150 pertaining to Khata No.90, both falling under mouza-Kesharpur under Betnoti Tahasil in the district of Mayurbhanj which have been acquired for construction of irrigation project. According to him, Plot No.174

was illegally transferred in favour of Dhunda Singh and Plot No.150 was illegally transferred to Padu Singh and Nanda Singh in violation of Section 19 of Odisha Hindu Religious Endowments Act, 1951. Therefore, he submits that the land acquisition compensation should be given to the present Marfatdars of the deity Shri Chandi Thakurani Bije Nijagaon. In this connection he submits that the petitioner has filed a representation dated 23.05.2022 before the Special Land Acquisition Officer, Baripada (opposite party No.3) under Annexure-3 for redressal of her grievances. There, the petitioner has relied upon a decision of this Court reported in 41 (1975) CLT NOTE 136 though in the said representation NOTE 89 has been wrongly reflected in place of NOTE 136. In such background, Mr. Acharya submits that a direction be issued to the opposite party No.3 to take a decision on the above noted representation of the petitioner within a specific time period.

3. Ms. P.Naidu relying a Government of Odisha Revenue Department letter dated 21.10.2003 submits that it has been made clear by the Government therein that all Hindu Religious Institutions should be presumed to be public unless the contrary is proved. Therefore, the compensation money in respect of lands belonging to different Hindu Religious Institutions should be paid to the persons authorized by the Commissioner of Endowments, Odisha irrespective of the fact of recording of any persons as Marfatdar in the R.O.R. as mere entry in the R.O.R. cannot establish the fact of one being Marfatdar.

4. Considering the submissions made and without expressing any opinion on the merits of the case, this Court directs the opposite party No.3 to take a decision on the above noted representation of the petitioner under Annexure-3 in accordance with law within a period of three months from the date of receipt of a certified copy of this order after giving opportunity of hearing to the petitioner as well as Dhunda

Singh, Padu Singh and Nanda Singh, whose names have been reflected in the schedule of land enclosed to Annexure-2, a document bearing No.1414 dated 19.05.2022 issued by the opposite party No.3 to opposite party No.2 and communicate the result of such exercise to the petitioner. The petitioner is further directed to supply a certified copy of the judgment rendered by this Court in the case of Sri Rughunath Jew alias Sitaram Thakur Vs. Sugata Mukherji & others passed in M.A. No.92 of 1972 decided on 08.08.1975. to opposite party no.3 while presenting a certified copy of this order.

5. Accordingly, this writ petition is disposed of.

6. Urgent certified copy of this order be granted on proper application in course of the day.



Prasant