

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21313 of 2022

(Through hybrid mode)

Agadhu Barik and another

.....

Petitioners

Mr. M. K. Dash, Adv.

Vs.

***Commissioner of Endowments,
Odisha, Bhubaneswar and
others***

.....

Opposite Parties

Ms. P. Naidu, Adv.

CORAM:

JUSTICE ARINDAM SINHA

JUSTICE SANJAY KUMAR MISHRA

ORDER

02.12.2022

Order No.

2.

1. Mr. Dash, learned advocate appears on behalf of petitioners and submits, his clients need to sell the land. Since, it stands in name of the deity, they approached the Commissioner for permission. The Commissioner did not grant permission simply because his clients had prosecuted their application through their constituted attorney. This was necessary because his clients are senior citizens and, therefore, were unable to present themselves to adduce evidence.

2. Ms. Naidu, learned advocate appears on behalf of the Commissioner.

3. Perused impugned judgment dated 24th January, 2022. We find the Commissioner was not impressed by the situation of the constituted attorney coming forward to depose on behalf of petitioners. We do not find fault with such appreciation of the case since, any evidence tendered orally by the attorney would be hearsay.

4. Mr. Dash submits, his clients will make every effort to present themselves before the Commissioner, to prosecute their

case for permission. Ms. Naidu submits, in event such approach is made her client will allow them opportunity.

5. In circumstances above no interference is warranted. However, in view of petitioners' intention to go themselves to adduce evidence before the Commissioner, only on that ground we set aside impugned judgment and restore the application to the Commissioner. We request the Commissioner to deal with the approach and inform result to petitioners within four weeks thereafter.

6. Parties submit that the date be fixed by Court. Petitioners will present themselves before the Commissioner on 12th December, 2022 at 2.00 P.M.

7. The writ petition is disposed of.

(Arindam Sinha)
Judge

(S.K. Mishra)
Judge

PCD

