

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23031 of 2022

Pratap Mohanty & another Petitioners

*Mr. S.K. Choudhury,
Advocate*

-versus-

***Commissioner of Opp. Parties
Endowments & others***

*Ms. P. Naidu, Advocate,
(For Commissioner of Endowments)*

*Mr.H.M. Dhal,
Additional Government Advocate*

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

**ORDER
22.09.2022**

Order No.

01. 1. Heard Mr. S.K. Choudhury, learned counsel for the petitioners, Ms. P. Naidu, learned counsel appearing for Commissioner of Endowments and Mr. H.M. Dhal, learned Additional Government Advocate.
2. According to Mr. Choudhury, while constituting the interim trust board under Section 7 of the Odisha Hindu Religious Endowments Act, 1951 on 15.07.2022, the Commissioner of Endowments, Odisha has not applied his mind to the fact that certain persons like Nrusingha Charan Mohanty (opposite party No.7) and Sushil Kumar Sahoo (opposite party No.13) are not qualified to be included in the said trust board as they are forcibly occupying the deity's/matha's property without contributing anything to the deity.
3. During course of hearing, Mr. Choudhury submits that

liberty may be granted to the petitioners to approach the Commissioner of Endowments, Odisha (opposite party No.1) in the matter by filing a representation and the said opposite party be directed to take a decision on such motion within a specific time period.

4. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to the petitioner to file a representation before the Commissioner of Endowments, Odisha (opposite party No.1) through registered post within a period of two weeks from today along with a copy of this order. In the event, such a representation is received by the Commissioner of Endowments, Odisha, he/she is directed to take a decision on the same in accordance with law within a period of three months from the date of receipt of such representation after giving reasonable opportunity of hearing to the petitioners as well as Nrusingha Charan Mohanty (opposite party No.7) and Sushil Kumar Sahoo (opposite party No.13) and communicate the result of such exercise to the petitioners.

5. Accordingly, this writ petition is disposed of.

6. Urgent certified copy of this order be granted on proper application.

(Biswajit Mohanty)
Judge

(Savitri Ratho)
Judge