

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.24191 of 2022

(Through Hybrid mode)

Mahanta Baishnab Charan Das ***Petitioner***

Mr. Ramakanta Mohanty, Senior Advocate

-Versus-

State of Odisha and others ***Opposite Parties***

Mr. A. K. Sharma, Advocate (AGA)

Ms. P. Naidu, Advocate (for O.P. nos.2 to 4)

Mr. Soubhagya Swain, Advocate (for O.P. no.5)

CORAM:

JUSTICE ARINDAM SINHA

JUSTICE SANJAY KUMAR MISHRA

ORDER

02.12.2022

Order No.

- 03.
1. Mr. Mohanty, learned senior advocate appears on behalf of petitioner and submits, the Commissioner, in exercise of power under section 7 in Odisha Hindu Religious Endowments Act, 1951 had on 28th June, 2021 appointed Interim Trust Board. His client and others were appointed as members of the Board. Opposite party no.5 was also named. His client along with others filed objection to inclusion of said opposite party.
 2. The Deputy Commissioner by memo dated 27th July, 2022 directed the concerned Inspector of Endowments to enquire and report compliance. On same date, impugned order was made saying there was no question of ousting opposite party no.5 from the Interim Trust Board. Text of impugned memo is reproduced below.

“Mahant Sri Baishnab Charan Dash is hereby informed that since Ambarisha Dasanudas was elected as Interim Managing Trustee by majority votes i.e. out of 05-members, 03-members nominated him, there was no question of ousting him.”

He prays for interference.

3. Mr. Swain, learned advocate appears on behalf of opposite party no.5 and files his power. He prays for direction upon his client to file counter. Ms. Naidu, learned advocate appears on behalf of the Deputy Commissioner and also wants direction for filing counter. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State.

4. We notice that memo dated 27th July, 2022 directing enquiry and compliance was signed on 28th July, 2022. Clearly impugned order pre-empted consideration of the objection. We quash and set aside the same. The Deputy Commissioner will, upon considering the enquiry report, make fresh order on the objection filed.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

(S. K. Mishra)
Judge

RKS