

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.5636 of 2021

Mahant Shri Kamalkanta Das Petitioner

Mr. Akshya Kumar Pandey, Advocate

-versus-

Chittaranjan Mohapatra, Opp. Party
Commissioner of Endowments

Ms. Pratyusha Naidu, Advocate

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (ORAL)

11.05.2022

Order No.

- 01.** 1. This matter is taken up by virtual/physical mode.
2. Petitioner admittedly was a Power of Attorney holder of the Hereditary Trustee-Mahant Dhyan Chandra Das of Radhakanta Math at Balisahi, Puri, who expired on 13.04.2021. It is not disputed that the Hereditary Trustee during his life time had never recommended the name of the petitioner for being nominated as a Hereditary Trustee. That apart, at the death of previous Hereditary Trustee, his Power of Attorney in favour of the petitioner for whatever purposes stood extinguished.
3. The petitioner filed W.P.(C) No.23594 of 2021 *inter alia* seeking the quashing of the letter dated 05.07.2021, whereby the Inspector of Endowments had suggested seven names to the Commissioner of Endowments for being appointed as members of an interim Trust Board under Section 7 of the Orissa Hindu Religious Endowment Act. This Court vide order dated 13.8.2021 disposed of the writ

petition with the direction to the Commissioner of Endowments to consider the grievance of the petitioner by passing a reasoned and speaking order before taking the final decision on the recommendation dated 05.07.2021.

4. The present contempt has been filed with the allegation that the Commissioner before deciding upon the recommendation dated 05.07.2021 and constituting the non-interim Trust has not obeyed the directions.

5. Upon notice, Ms. Pratyusha Naidu, learned counsel has appeared and stated that the interim Trust Board stood constituted vide order dated 02.08.2021 passed by the Commissioner of Endowments, Odisha, Bhubaneswar, much before passing of the order dated 13.9.2021 by this Court. This fact, however, was not pointed out to the Court at the time of disposal of the case on 13.9.2021. She further states the reference to the order dated 15.9.2021 (Annexure-3) annexed with the contempt relates to the approval of the election of interim Management Trustee in terms of the order dated 02.08.2021 passed by the Commissioner. She further states in deference to the order dated 13.9.2021 passed by this Court, the Commissioner of Endowments after affording an opportunity of hearing to the petitioner passed a fresh order dated 07.10.2021, duly endorsed to the petitioner vide Memo No.9241 dated 24.12.2021, detailing the sequence of facts while rejecting the claim of the petitioner to be appointed as Hereditary Trustee. She thus submits that there is no willful

disobedience of the orders passed by this Court and the directions stand complied with in letter and spirit.

6. After hearing the learned counsel for the parties, we find that there is no reason for us to entertain the present contempt. The CONTC is accordingly dismissed.

The petitioner is free to seek his remedy in accordance with law.

May 11th, 2022
Cuttack

AKK

