

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.35012 of 2021

(Through Hybrid mode)

Deba Prasad Nayak

....

Petitioner

Mr. Jaydeep Pal, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. A. K. Sharma, AGA

Mr. Pratyusha Naidu, Advocate for O.P.2

CORAM:

JUSTICE ARINDAM SINHA

JUSTICE SANJAY KUMAR MISHRA

ORDER

20.12.2022

सम्पत्तिक न्यायो

Order No.

11. 1. Mr. Pal, learned advocate appears on behalf of petitioner and submits, impugned is order dated 14th September, 2021 of Assistant Commissioner of Endowments appointing members of Non-Hereditary Trust Board in relation to Sri Sanischar Mahagraha Temple. He draws attention to notice signed on 15th May, 2021 initiating procedure mandated under section 27 in Odisha Hindu Religious Endowments Act, 1951. He submits further, the notice

could not have been made as it was during period of lockdown occasioned by COVID-19. He refers to order dated 1st May, 2021 to demonstrate that there was complete lockdown in the State from 1st May, 2021 to 5:00 a.m. on 19th May, 2021. Hence, there was no notice.

2. Ms. Naidu, learned advocate appears on behalf of opposite party no.2 and draws attention to report dated 8th June, 2020 on subject of suggestion of members for Trust Board of the institution. In the report the list of persons suggested for appointment as Non-Hereditary Trustees, petitioner's name is at serial no.9.

3. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State.

4. We are not inclined to look further into challenge held out in the writ petition by petitioner. There is no doubt that petitioner's name was suggested as member of Non-Hereditary Trust Board. As such, there cannot be any circumstance of petitioner not being on notice of the proceeding. Impugned order naming members, those of the Non-Hereditary Trust Board by the Assistant Commissioner says it is in pursuance of the direction imparted by the Government on

letter dated 6th September, 2021, approving those persons as members of the Board. Petitioner's name does not figure in impugned order.

5. Petitioner, if otherwise aggrieved by impugned order may challenge the same as advised but not on the ground of notice.

6. With above observations, the writ petition is disposed of.

(Arindam Sinha)
Judge

(S. K. Mishra)
Judge



Prasant