

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32915 of 2022

(Through hybrid mode)

Tripati Padhi @ Tripati Das

....

Petitioner

Mr. S.R. Rao, Advocate

-versus-

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

....

Opposite Parties

*Mr. A.K. Nath, Advocate
(For opposite party no.1)*

*Mr. N.K. Deo, Advocate
(For opposite party No.2)*

*Mr. S. Mishra, Advocate
(For proforma opposite party no.8)*

CORAM:

JUSTICE ARINDAM SINHA

JUSTICE SANJAY KUMAR MISHRA

ORDER

21.12.2022

Order No.

01. 1. Mr. Rao, learned advocate appears on behalf of petitioner and submits, impugned order dated 13th October, 2022 of the Commissioner could not have been made. Thereby interim arrangement of appointment of opposite party no.2 till disposal of O.A. no.52 of 2016 under section 30 of Odisha Hindu Religious Endowments Act, 1951 was made, without notice to his client. He

submits, sub-section (3) in section 30 provides for the situation. In the circumstances, resort to issuing administrative order must be interfered with.

2. Mr. Nath, learned advocate appears on behalf of opposite party no.1. Mr. Deo, learned advocate appears for opposite party no.2 and Mr. Mishra, learned advocate for proforma opposite party no.8.

3. We have perused impugned order. It does mention that the vacancy cannot be filled up immediately, which is why it is desirable to appoint a fit person to discharge functions of trustee. However, there is no revelation therefrom as to why the Commissioner passed impugned order without there having been application made by the rival contenders under sub-section (3) in section 30.

4. Impugned order is set aside and quashed. In event applicable provision in sub-section (3) of section 30 is invoked, the Commissioner will deliberate thereupon and pass necessary orders.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

(S.K. Mishra)
Judge

P.Pradhan