



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.2257 OF 2026

Chandan Kumar Sahoo ***Petitioner***

Mr. Gajendranath Rout Advocate

-versus-

Commissioner of Endowment, Odisha, ***Opp. Parties***
Bhubaneswar & others

Mr. Bipin Kumar Nayak, Advocate
(For Commissioner of Endowments)

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

ORDER

26.03.2026

Order No.

- 02.
1. This matter is taken up through hybrid mode.
 2. Petitioner in this Writ Petition seeks to assail the order dated 28.05.2025 (Annexure-5) passed by the Additional Assistant Commissioner of Endowments, Cuttack, whereby he recalled the order of allotment in favour of the Petitioner in respect of Shop No.3 and the Managing Trustee of the institution was directed to allot the Shop Room No.3 by way of drawing lots in a fair and impartial manner.
 3. Mr. Rout, learned Counsel for the Petitioner submits that the Petitioner was allotted Shop No.3 in the market complex of Baghamangala Thakurani, at Mangalabag in the District of Cuttack vide allotment Order dated 08.10.2024 (Annexure-1).



4. The adjacent Shop No.4 was allotted to one Arabinda Sahoo, who allegedly put a large sign board and metallic showcase in front of the Shop Room.

5. Thus, complaint was made by the allottee of Shop No.5 against said Arabinda Sahoo, allottee of Shop No.4 to remove the display board and metallic showcase.

6. While dealing with the complaint submitted by the allottee of Shop No.5 against Arabinda Sahoo, allottee of shop No.4, the allotment of Shop Room No.3 in favour of the Petitioner was recalled and he was directed to hand over the possession of the Shop Room.

7. Taking note of the submission made by Mr. Rout learned counsel for the Petitioner, this Court vide Order dated 27.02.2026 directed the learned Counsel for the Commissioner of Endowments to take instruction from Additional Assistant Commissioner of Endowments, Cuttack in that regard.

8. Today, Mr. Nayak, learned Counsel representing the Additional Assistant Commissioner of Endowments, Cuttack produced the written instruction received, which is taken on record.

9. On perusal of the said instruction, it appears that Sri Arabinda Sahoo, who is stated to be the brother of the present Petitioner, has been allotted shop No.4. However, he is neither executing any agreement with the Trust Board nor he is obeying the instruction of Trust Board.



10. It further appears that said Sri Arabinda Sahoo has put a large display board and metallic showcase in front of his shop room obstructing business of other shopkeepers.

11. On perusal of the written instruction, submitted by the Additional Assistant Commissioner of Endowments, Cuttack (Opposite Party No.3), it further appears that there is no allegation against the Opposite Party No.3. Instead of taking action against said Arabinda Sahoo, the allotment of Shop Room No.3 in favour of the Petitioner has been cancelled.

12. Mr. Nayak, learned Counsel representing the Additional Assistant Commissioner of Endowments could not give any satisfactory answer with regard to cancellation of allotment of Shop Room No.3 made in favour of the Petitioner. He only submitted that two brothers namely the Petitioner and allottee of Shop No.4 were allotted two shop rooms in the said market complex of the deity, He, however, could not produce any material with regard to prohibition, if any, for allotment of shop rooms in favour of two brothers.

13. In view of the above, we find that the impugned order under Annexure-5 has been passed without application of mind and thus the same is not sustainable. Hence, order dated 28.05.2025 (Annexure-5) passed by the Additional Assistant Commissioner of Endowments, Cuttack cancelling the allotment of Shop No.3 in favour of the Petitioner is hereby set aside and it is directed that the Petitioner shall be allowed to do his business in Shop No.3 as before, in terms of the agreement he has executed with the Trust Board.



14. With the aforesaid direction, the Writ Petition is disposed of.

15. We make it clear that the Authorities are at liberty to proceed against Sri Arabinda Sahoo, allottee of Shop No.4 for any illegality committed by him.

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

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

Supra