



IN THE HIGH COURT OF ORISSA AT CUTTACK

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

CNR No.ODHC010008122026

Chandan Kumar Sahoo ***Petitioner***

Mr. Gajendranath Rout, Advocate
-versus-

Commissioner of Endowments, Odisha, ***Opp. Parties***
Bhubaneswar and others

Mr. Bipin Kumar Nayak, Advocate
(for Commissioner of Endowments)
Mr. Gopinath Mishra, Sr. Advocate
Being assisted by Mr. S. Panda, Advocate
(for Deity)

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE SANJAY KUMAR MISHRA

ORDER

28.08.2026

Order No.

06.

I.A. No.11914 of 2026

1. This matter is taken up through hybrid mode.
2. This is an application filed by Sri Baghamangala Thakurani, Mangalabag, Kataka (for brevity, 'the Deity'), represented through its Managing Trustee Sri Bhikari Behera to recall the final order dated 26th March, 2026 passed in W.P.(C) No.2257 of 2026.
3. Mr. Mishra, learned Senior Advocate appearing for the Deity submits that the shop room in question is the endowment of the Deity. Without impleading the Deity and subsequent allottee Sri Ashutosh Moharana as parties, W.P.(C) No.2257 of 2026 was filed. Although the Deity participated actively before the Additional Assistant



Commissioner of Endowments, Cuttack, but, for the reasons best known to the Petitioner, it (the Deity) was not impleaded as a party to the writ petition. He, therefore, submits that the final order dated 26th March, 2026 be recalled and the writ petition be heard afresh providing opportunity of hearing to the Deity as well as the subsequent allottee Sri Ashutosh Moharana impleading them as parties to the writ petition.

3.1. Mr. Rout, learned counsel for the Writ Petitioner although contends that the Deity, who has participated in the hearing before the Additional Assistant Commissioner of Endowments, Cuttack was not made a party to the writ petition, but, raised preliminary objection with regard to the maintainability of the I.A. on the ground that a petition to recall the final order passed in the writ petition is not maintainable. The Applicant, if so advised, may file appropriate application, if he is aggrieved by the final order dated 26th March, 2026.

3.2. Mr. Nayak, learned Counsel for the Commissioner of Endowments referring to the affidavit filed by the Assistant Commissioner of Endowments, Bhubaneswar (I/c Additional Assistant Commissioner of Endowments, Cuttack) submits that the Deity as well as Sri Ashutosh Moharana are necessary parties to the writ petition. As such, the final order dated 26th March, 2026 may not be effectively implemented without giving them an opportunity of hearing.

4. Taking into consideration, the submissions made by the learned counsel for the parties, this Court finds that the Deity has not made a party to the writ petition. It is also submitted by Mr. Mishra, learned Senior Advocate as well as



Mr. Nayak, learned Counsel for the Commissioner of Endowments that in the meantime Sri Ashutosh Moharana has been allotted the shop in question i.e. Shop No.3 of the Deity by way of a lottery and an agreement has also been executed in his favour. Mr. Mishra, learned Senior Advocate appearing for the Deity further submits that the said Ashutosh Moharana is operating the said shop. Mr. Rout, learned counsel for the Writ Petitioner, however, submits that he has no knowledge of the same.

5. In that view of the matter, this Court, holds that the final order dated 26th March, 2026 passed without providing the Deity an opportunity of hearing is a nullity in the eye of law. As such, the I.A. is maintainable. There is an inherent error in the final order dated 26th March, 2026, which was passed without providing an opportunity of hearing to the Deity.

6. Accordingly, the final order dated 26th March, 2026 is recalled and W.P.(C) No.2257 of 2026 is directed to be heard afresh after impleading the Deity Sri Baghamangala Thakurani, Mangalabag, Cuttack and Sri Ashutosh Moharana, S/o-late Pradeep Kumar Moharana, At/Po-Baseli Thakurani Gali, Mangalabag, P.S.-Mangalabag, Dist-Cuttack as parties to the writ petition.

7. I.A. is disposed of accordingly.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge



07. **W.P.(C) No.2257 OF 2026 & I.A. No.11916 of 2026**

1. By virtue of order of even date in I.A. No.11914 of 2026, the writ petition is restored to file.
2. The petitioner may take steps to implead the Deity Sri Baghamangala Thakurani, Mangalabag, Cuttack and Sri Ashutosh Moharana as parties to the writ petition within a period of two weeks hence.
3. In view of order passed in I.A. No.11914 of 2026, no further order is required to be passed in I.A. No.11916 of 2026, which is disposed of accordingly.
4. Registry may take steps to place the matter before the assigned bench.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

Kanhu