

W.P.(C). No. 3054 of 2021

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I.A. No.1516 of 2021

2. 09.02.2021 This matter is taken up through video conferencing.
Heard.
Issue notice.

Since learned Additional Government Advocate accepts notice on behalf of opposite party Nos.1, 4, 5 and 6, four extra copies of the writ petitions shall be served on him by 12th February, 2021.

Since Mr.A.K.Nath, learned counsel for the Commissioner of Endowments, Odisha, Bhubaneswar accepts notice on behalf of opposite party Nos. 2 and 3, two extra copies of the writ petition may also be served on Mr.Nath by 12th February, 2021.

Issue notice to opposite party Nos.7 to 14 by registered post with AD, requisites for which shall be filed by 12.02.2021.

As it appears, a proceeding was initiated under Section 27 of the Odisha Hindu Religious and Endowment Act, 1951 (for short, 'OHRE Act') in order to constitute Non-hereditary Trust Board in respect of Shree Gorekhanath Mahaprabhu Bije at Kerkera, in the district of Jagatsinghpur, a notice containing the probable names of members of the Non Hereditary Trust (NHT) Board of the institutions was published in the notice board on 08.07.2017 inviting objections. Accordingly, objection(s) to the same was filed on 12.12.2017. While the matter stood thus, an interim Trust Board was constituted by the Commissioner of Endowments by his order/notification dated 18.01.2019 under Section 7 of the OHRE

Act under Annexure-6, and the said interim arrangement was made for a period of two years. But after a lapse of 4(four) years, a NHT Board has been constituted vide order/notification dated 06.01.2021 (Annexure-7) without considering the objection raised. Persons, against whom serious allegations are pending, have been included in the NHT Board. Petitioners were also not given any opportunity of being heard in the matter. It appears that the petitioners have a *prima facie* case in their favour.

Accordingly issue notice to the opposite parties. Learned counsel for the Commissioner of Endowments shall produce relevant record relating to issuance of notification under Annexure-7.

As an interim measure, impugned order/notification dated 06.01.2021 (Annexure-7) issued by the opposite party No.3- Additional Assistant Commissioner of Endowments, Cuttack is kept in abeyance till the next date.

Put up this matter on 5th March, 2021.

As the lock down period is continuing for COVID-19 learned counsel for the parties may utilize the soft copy of this order available in the High Court's website or print thereof at par with the certified copy in the manner prescribed, vide Court's notice No.4587, dated 25.03.2020.

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S.Panda, J.

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K.R.Mohapatra, J.

