



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.16283 of 2024

1) Debadutta Mohapatra		Petitioners
2) Sourav Chand		Represented By Adv. –
3) Suryanarayan Dash		Mr. Dayananda Mohapatra
4) Ratiranjan Mishra		

-versus-

1) State Of Odisha		Opposite Parties
2) Commissioner Endowment		Represented By Adv.
3) Sri Jagannath Mahaprabhu		–
4) Chief Administration, Sri Jagannath Temple Management		Mr. G.N. Rout, ASC
5) Bauli Math		Ms. P. Naidu,
6) Odisha Sikh Pratinidhi Board		Advocate for OHRE

CORAM:
THE HON'BLE MR. JUSTICE D.DASH
AND
THE HON'BLE MR. JUSTICE V. NARASINGH
ORDER
18.07.2024

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. Heard Mr. D. Mohapatra, learned counsel for the Petitioners.

We have gone through the averments taken in the writ petition as also the documents annexed thereto.

3. Ms. P. Naidu, learned counsel for the Commissioner of Endowments at this stage prays for grant of time to obtain instruction and file counter, by the next date.

4. The challenge in this proceeding is to the order dated 20.06.2024 passed by the learned Commissioner of Endowments under Annexure-7.



5. Mr. Mohapatra, learned counsel for the Petitioners referring to the provision contained in section 3 of the Places of Worship (Special Provisions) Act, 1991 first of all submits that the impugned order is in violation of the said provisions. He also submits that without any declaration as required under section 41 of the Orissa Hindu Religious Endowments Act, 1951, learned Commissioner had no jurisdiction to pass the impugned order that to indicating therein that the proposed construction of the Gurudwar/renovation etc., should not cause inconvenience to the free entrance of public to the Math or should not affect decorum of the Math in any manner, which is suggestive of the fact that by this order, the Opposite Party No.7 has been allowed to infringe the rights of the Math over the properties by making construction.

6. The prayer of Ms. Naidu, learned counsel for the Commissioner of Endowments is allowed.

7. Two extra copies of the writ petition be served upon learned counsel for the State who accepts notice on behalf of the Opposite Party No.1 so as to enable him to obtain instruction in the matter and also file counter.

8. List this matter in the week commencing 22nd July, 2024.

(D. Dash)
Judge

(V. Narasingh)
Judge



ORDER

18.07.2024

I.A. No.8603 of 2024

Order No.

02. 1. Heard.

2. As an interim, the order dated 20.06.2024 passed by the learned Commissioner, Endowments shall remain stayed till the next date of listing.

Issue urgent certified copy as per rules.

(D. Dash)
Judge

(V. Narasingh)
Judge

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