



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30183 of 2020

Santanu Kumar Mohanty **Petitioner**

Mr. G. C. Rout, Advocate

-Versus-

Sri Jagannath Mahaprabhu Bije **Opposite Parties**
Srikhetra, Puri & Others

Mr. S.B. Mohanty, AGA for OP Nos.2 & 3

Mr. B.S. Panigrahi, Advocate for OP No.4

CORAM:

JUSTICE DIXIT KRISHNA SHRIPAD

ORDER

09.12.2025

Order No.
03.

Petitioner is before this Court essentially seeking a direction to the Lord Jagannath Temple Administration to sell a particular property in terms of policy statement, copies whereof are part of the pleadings.

2. Learned counsel for the Petitioner vehemently argues that in view of Policy Statement framed by the Government and its high functionaries, a legitimate expectation was created and therefore, his client being in the possession of the property since decades had applied for buying the said property; the rejection of his application is absolutely unsustainable.

3. Having heard learned counsel for the Petitioner and having perused the petition papers, this Court declines to grant indulgence in the matter for the following reasons:

3.1. Salmond's Jurisprudence in Twelfth Edition by Fitzgerald states that ownership is a bundle of rights which *inter alia* includes



the right to alienate property subject to regulatory statutes. Right to alienate necessarily includes right not to alienate. Such a statute is not cited before the Court to relate the so called State Policy to the same under which the Petitioner had staked his claim for buying the property in question.

3.2. It has long been settled since the days of Privy Council that a Hindu deity is eternal minor and therefore, a minor's property cannot be sold in the absence of statutory enablement. As already mentioned above, no such enablement is brought to the notice of Court. Merely because the temple authorities or the Government authorities had issued an invitation to offer, once offer is made by a citizen it need not be necessarily accepted vide, *Harvey v. Facey*, 1893 AC 552.

In the above circumstances, writ petition being devoid of merits is liable to be rejected and accordingly it is.

Registry to send a copy of this order to Temple Authority by speed post, immediately.

Web copy of this order to be acted upon by all concerned.

(*Dixit Krishna Shripad*)
Judge

Madhusmita