



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25391 of 2024

Babu @ Benudhar Sahoo **Petitioner**

Mr. Debasis Mishra, Advocate

-versus-

State of Odisha & Others **Opp. Parties**

Mr. Siba Narayan Biswal, ASC
Ms. Pratyusha Naidu, Advocate
for Commissioner of Endowments
Mr. Prafulla Kumar Rath, Sr. Advocate
along with
Ms. Indira Priyadarsani Bose, Advocate
for Opposite Party No.5

CORAM:

JUSTICE K.R. MOHAPATRA
JUSTICE SANJAY KUMAR MISHRA

ORDER

23.03.2026

Order No.

07.

1. This matter is taken up through Hybrid Mode.
2. The Petitioner in this Writ Petition seeks to assail the Notice dated 1.10.2024 issued by the Tahasildar, Brahmagiri directing the Petitioner to vacate Plot No.461 to an extent of Ac.0.23 dec. and Plot No.462 to an extent of Ac.0.21 dec. of Khata No.112 of Alarpur within a period of seven days from the date of receipt of notice stating that an eviction order had been passed against the Petitioner and others.
3. Mr. Mishra, learned counsel for the Petitioner submits that admittedly, the land in question is recorded in the name of deity Sri Alaranath Deb, marfat Endowment Trust Board



and others. A suit (C.S. No.45/381 of 2013-2010) for declaration of right, title and interest was also filed by the deity Sri Alaranath Deb Bijee, Alarpur against the present Petitioner and others. The suit was also decreed vide judgment dated 22.11.2014 declaring right, title and interest of the deity Sri Alaranath Deb Bijee, Alarpur, Marfat Trust Board. But, no order of eviction was passed therein. Further, the property in question being the religious endowments of the deity Sri Alaranath Deb Bijee, Alarpur, the Tahasildar, Brahmagiri has no jurisdiction to issue the impugned notice under Annexure-3. He, therefore, prays for setting aside the eviction notice issued under Annexure-3.

4. Mr. Rath, learned Senior Advocate appearing for one of the Member of the Trust Board of deity Sri Alaranath Deb Bijee, Alarpur in the district of Puri submits that the Petitioner is a rank trespasser and is encroaching upon the valuable immovable property of the deity. Thus, the Tahasildar, Brahmagiri, who is the Managing Interim Trustee of the deity, respecting the judgment and decree passed in Civil Suit No.45/381 of 2013-2010 of the Court of learned Additional Civil Judge (Senior Division), Puri directed for eviction of the Petitioner and others mentioned in the said notice. He, therefore, submits that there is no illegality in issuing such notice by the Tahasildar, Brahmagiri, in the capacity of Interim Managing Trustee of the deity.

5. Ms. Naidu, learned counsel appearing for the Commissioner of Endowments also supports the submission of Mr. Rath, learned Senior Advocate appearing for Opposite Party No.5. She further submits that being the Interim



Managing Trustee, the Tahasildar, Brahmagiri is competent to issue such notice as the Petitioner is a trespasser and is encroaching upon the immovable property of the deity. She, therefore, prays for dismissal of the Writ Petition.

6. Taking note of the submissions made by the learned counsel for the parties, this Court finds that neither any proceeding under Section 68 of the Odisha Hindu Religious Endowments Act, 1951 (for brevity “the Act”) nor any proceeding under Section 25 of the said Act, as the case may be, has yet been initiated against the Petitioner and similarly situated persons. Hence, the notice issued to the Petitioner to vacate the aforesaid land of the deity has no legal sanctity.

7. The Trust Board of the deity is free to take action under Section 68 or Section 25 of the Act, as the case may be, to evict the unauthorized occupants of the Religious Endowments of the deity Sri Alaranath Deb Bijee, Alarpur in the district of Puri. As such, the impugned notice under Annexure-3 having no legal sanctity is hereby set aside.

8. Setting aside the impugned notice under Annexure-3 will not preclude the Trust Board to take action under the provisions of the Act for eviction of the unauthorized occupants over the deity’s property.

9. The Writ Petition is accordingly disposed of.

(K.R. Mohapatra)
Judge

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(S.K. Mishra)
Judge