



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.34071 of 2025

Laxmidhar Panda and others ***Petitioners***

Mr. Narayan Prasad Parija, Advocate

-versus-

State of Odisha and others ***Opposite Parties***

Mr. Sanjay Rath, AGA

CORAM:

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.

01.

ORDER

25.02.2026

1. Learned counsel appearing for the petitioners submitted that the opposite No.6 and 7 (Bairagi Sahoo, Abhimanyu Nayak respectively) projecting themselves as Marfatdars of Prachandeswar Mahadev (opposite party No.5) sought to record names of certain villagers of Prachandeswar as Marfatdar on the strength of a gift deed bearing No.2650 dated 21.08.1976 (description of the property is given in SRP Case No.91 of 2019 before the Commissioner of Consolidation and Settlement, Odisha, Bhubaneswar) in which Marfatdars namely Brundaban Panda, Harihar Panda, Pitabas Panda Dibyasingh Panda have been shown to have given their consent on the said document executed by Balabhadra Panda, Dibyasingh Panda and Laxmidhar Panda alongwith Rama Nayak father of opposite party No.7 and said Bairagi Sahoo.

1.1. It is submitted that since gift deed is construed to be transfer of the property by virtue of Section 122 of the Transfer of Property Act, 1882, in absence of necessary sanction envisaged under Section 19 of the Odisha Hindu Religious Endowments Act, 1951, the said



transfer by the Marfatdars would be *void ab initio*. The Commissioner of Consolidation and Settlement, Odisha, Bhubaneswar having acted upon such gift deed, committed not only error of law but also fact.

2. The seminal issue so raised by the learned counsel for the petitioner is required to be considered.

3. Issue notice to the opposite parties.

4. Mr. Sanjay Rath, learned Additional Government Advocate appears and waives service of notice on behalf of opposite party nos.1, 2 and 4.

5. Issue notice to the opposite party nos.3, 5, 6 and 7 by Speed Post with A.D., requisites for which shall be filed within three working days. In the event of furnishing such requisites within the period stipulated, the Office shall send the notice to the said opposite parties by fixing a short returnable date.

6. List this matter in the week commencing 23rd March, 2026.

I.A. No.19861 of 2025

7. Issue notice as above.

8. Accept one set of process fee.

(M.S. Raman)
Judge

Laxmikant