



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 36992 of 2025

***Shri Gopaljew Thakur @
Gopaljew Math represented
through its Hereditary
Trustee/Marfatdar Sri
Mahanta Sujan Kumar Dash*** ***Petitioner***

Mr. R.R. Sahoo, Advocate

-versus-

***1. State of Odisha
represented through its
Secretary, Housing and
Urban Development
Department, Bhubaneswar*** ***Opposite Parties***
***2. Cuttack Municipal
Corporation, represented
through its Commissioner,
Cuttack***
***3. Commissioner of
Endowment, Odisha,
Bhubaneswar***
***4. Collector and District
Magistrate, Cuttack***
***5. Executive Engineer, (R &
B), Urban Division, Cuttack***
***6. Tahsildar, Cuttack Sadar,
Cuttack***
7. Pathik Joshi
8. Bipin Kumar Mahetta
9. Dr. Siva Sundar Rao

Mr. P.K. Ray, AGA
Mr. P.K. Mohanty, Sr. Advocate
Mr. P. Mohanty, Advocate (O.P.2)
Mr. A.K. Nath, Advocate (O.P.3)
Mr. P.V. Balakrishna, Advocate (O.P.9)
Mr. B.K. Mahetta, In Person (O.P.8)



CORAM: JUSTICE V. NARASINGH

ORDER

27.02.2026

Order No.

02. 1. Heard Mr. Sahoo, learned counsel for the Petitioner, Mr. Ray, learned AGA for the State, Mr. P.K. Mohanty, learned Senior Counsel instructed by Mr. P. Mohanty, learned counsel for the Opposite Party No.2, Mr. Nath, learned counsel for the Opposite Party No.3, Mr. Balakrishna, learned counsel for the Opposite Party No.9 and the Opposite Party No.8 in person.
2. Alleging inaction by the Cuttack Municipal Corporation, under Section 459 read with Section 464 of the Orissa Municipal Corporation Act, 2003, the present writ petition has been preferred at the instance of the Trustee/Marfatdar of Shri Gopaljew Thakur @ Gopaljew Math.
3. For convenience of reference, the prayer in the writ petition is extracted hereunder:-

"It is therefore, prayed that this Hon'ble Court may graciously be pleased to issue Rule Nisi, in the nature of writ of Mandamus and/or any other appropriate writ/writs, direction/directions and order/orders, calling upon the Opp.Parties to show cause as to why O.P.No.2 shall not be commanded to consider the grievance of the Petitioner ventilated in the representations vide Annexure-4 & 5 with necessary intimation, information, cooperation and assistance of other O.Ps. and consequently to take steps for declaring the



building/structure pertaining to Municipal Holding No.41, Ward No.5, Plot No.1822 & 1810, Khata No.601/296, Mouza-Cuttack Sahara, Unit No.14, Nayasadak, P.S.-Lalbag, Tahsil/Town/Dist.-Cuttack, so also as per the description given in the schedule above, and also consequential action for vacation and demolition of the same, within a particular time;

If the Opp. Parties fails to show cause and/or show insufficient and/or false cause, make the said Rule Nisi absolute;

xxx

xxx

xxx

4. It is submitted by the learned counsel for the Petitioner that the Orissa Municipal Corporation Act has clothed the Commissioner, Orissa Municipal Corporation with powers to initiate action in terms of the provisions referred to hereinabove and because of the inaction in spite of representations being made dated 17.08.2021, 09.10.2025 & 18.10.2025 which are on record at Annexure-4 to 6 respectively, the present writ petition has been filed.

5. Mr. P.K. Mohanty, learned Senior Counsel instructed by Mr. P. Mohanty, learned counsel for the Opposite Party No.2 submits that the Petitioner has rushed to this Court without awaiting the disposal of the representation and on the sole ground the writ petition is liable to be rejected.

6. Mr. Balakrishna, learned counsel appearing for the Opposite Party No.9 submits that this is a



camouflage to oust the tenant and as the Petitioner lacks the bonafide, the writ petition ought not to be entertained. Such submission is also adopted by the Opposite Party No.8 (Bipin Kumar Mahetta) who is present in person.

7. So far as Opposite Party No.7 is concerned, there is noting by the Registry that the addressee cannot be located.

8. Admittedly, the property comes under the control of the Commissioner of Endowment and it is also on record that ventilating the grievance, the Petitioner herein in his representative capacity as the Hereditary Trustee/Marfatdar had moved the Opposite Party No.3-the Commissioner of Endowment, Odisha, Bhubaneswar on 18.10.2025.

9. Mr. Nath, learned counsel for the Opposite Party No.3 submits on instruction that the matter is pending before the learned Commissioner of Endowment.

10. Learned counsel for the State, Mr. Ray submits that when the learned Commissioner of Endowment is in seisin of the matter the Petitioner ought not to have rushed to this Court.

11. On considering the competing claims, in the light of the materials on record, this Court is of the view that interest of justice would be subserved, if the Opposite Party No.3-the Commissioner of Endowment, Odisha, Bhubaneswar is called upon to



consider the representation at Annexure-6 within a period of four weeks from the date of receipt of the copy of this order along with the copy of the writ petition, in the event the same is submitted to him by 05.03.2026.

12. It shall be open for the Opposite Party No.3-the Commissioner of Endowment, Odisha, Bhubaneswar to afford an opportunity of hearing to the Petitioner as well as the affected parties, if he so desires for just decision. The decision so taken shall be communicated to all the affected parties.

13. It is needless to state here that this Court has not expressed any view regarding the veracity of the recitals in the writ petition as well as the submissions made opposing the same.

14. The Opposite Party No.3-the Commissioner of Endowment, Odisha, Bhubaneswar shall take an independent view in terms of the materials which are also sought to be produced before him in addition to the materials on record.

15. Accordingly, the writ petition stands disposed of.

Ayesha

**(V. Narasingh)
Judge**