



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1035 OF 2026

Abinash Pattanayak & ors. Petitioners

*Mr. Bitas Kumar Swain, Advocate
-versus-*

State of Odisha & ors. ... Opposite Parties

*Mr. Manmaya Kumar Dash,
Additional Standing Counsel
(for O.P. No.1)
Ms. Pratyusha Naidu, Advocate
(for O.P. No.2 & 3)*

**CORAM:
JUSTICE K.R. MOHAPATRA
JUSTICE SANJAY KUMAR MISHRA**

**ORDER
25.02.2026**

Order No.

- 04.
1. This matter is taken up through hybrid mode.
 2. Petitioners in this writ petition seek to assail the order dated 16.10.2025 (Annexure-2) passed by the Additional Assistant Commissioner of Endowments, Cuttack in appointing a Non-Hereditary Trust Board (NHT) in respect of the religious institution Sri Mahaveer Jew @ Gualipur Math @ Kabir Gosain at Gualipur in the district of Jagatsinghpur.
 3. The grievance of the Petitioner in this writ petition is that the religious institution is a Math. Hence, no Non-Hereditary Trust Board under Section 27 of the Act could have been appointed.



4. Taking note of the case of the Petitioners, this Court directed Ms. Naidu, learned Counsel to take instruction from the Additional Assistant Commissioner of Endowments with regard to the nature of the religious institution.

5. On instruction, Ms. Naidu, learned Counsel representing the Additional Assistant Commissioner of Endowments submits that although the religious institution is a Math, but there are allegations of mis-management of the religious institution and its endowments. Hence, the Additional Assistant Commissioner of Endowments thought it proper to appoint a Non-Hereditary Trust Board.

6. Taking note of the submissions made by learned Counsel for the Parties, this Court is of the considered opinion that Section 27 of the Orissa Hindu Religious Endowments Act, 1951 makes it clear that a Non-Hereditary Trust Board can be appointed in respect of the religious institutions other than a Math. Thus, appointment of a Non-Hereditary Trust Board in respect of a Math is not sustainable.

7. The Order of appointing a Non-Hereditary Trust Board so also appointment of Managing Trustee under Annexure-2 is not sustainable and is set aside accordingly.

8. The Commissioner of Endowments, Bhubaneswar may take necessary action for proper management of the Math in question.

9. The writ petition is disposed of accordingly with aforesaid observation and direction.



10. Since the writ petition has been disposed of without issuing notice to the Opposite Party No.4, he is at liberty to seek for variation of this order showing sufficient reasons, if he feels aggrieved.

11. Urgent certified copy of the order shall be granted on proper application.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

Banita