

(2023) 03 OHC CK 0213
In the Orissa High Court
Case No : Writ Petition (C) No.7813 Of 2023

Ashok Kumar Senapati

APPELLANT

Vs

Commissioner Of Endowments, Odisha And Others

RESPONDENT

Date of Decision : 27-03-2023

Acts Referred:

Odisha Hindu Religious Endowments Act, 1951 — Section 30

Citation : (2023) 03 OHC CK 0213

Hon'ble Judges : Arindam Sinha, J;S. K. Mishra, J

Bench : Division Bench

Advocate : Manoj Mishra, Tanmay Mishra, A. K. Nath

Final Decision : Disposed Of

Judgement

WP(C) no.7813 of 2023 and I.A. no.3501 of 2023

1. Mr. Mishra, learned senior advocate appears on behalf of petitioner and submits, his client is one of the parties in the O.A. case under section 30 in Odisha Hindu Religious Endowments Act, 1951, pending for adjudication. There is dispute, regarding who is to be appointed as hereditary trustee on the permanent vacancy occurred. The Commissioner, without noticing any one, passed administrative order dated 1st October, 2022 appointing purportedly nominated person to discharge function of hereditary trustee till disposal of the OA case. He submits, the interim order could not be passed without noticing parties in the main case. He relies on order dated 21st December, 2022 made by this Bench in WP(C) no.32915 of 2022 (Tripathi Padhi @ Tripathi Das v. Commissioner of Endowments, Odisha and others).

2. Mr. Nath, learned advocate appears on behalf of Commissioner and submits, the nominated and other persons have been made parties in the writ petition. They should be noticed.

3. Issue notice along with this order on opposite party nos.2 to 9 by registered/speed post with AD. Petitioner will put in requisites.

4. List on 17th April, 2023.

5. Meanwhile order dated 1st October, 2022 will remain stayed till next date of hearing.

.....