

(2022) 12 OHC CK 0045
In the Orissa High Court
Case No : Writ Petition (C) No.32071 Of 2022

Prafulla Chandra Padhi

APPELLANT

Vs

Commissioner Of Endowment, Odisha & Others

RESPONDENT

Date of Decision : 07-12-2022

Acts Referred:

Odisha Hindu Religious Endowments Act, 1951 — Section 74

Citation : (2022) 12 OHC CK 0045

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

Bench : Division Bench

Advocate : G. Mishra, P. Naidu

Final Decision : Disposed Of

Judgement

1. Mr. Mishra, learned advocate appears on behalf of petitioner and submits, impugned is order dated 23rd September, 2022 made by Court of the Commissioner, whereby his client's petition dated 16th April, 2022 was rejected. He submits, the petition was for intervention in O.A. no.100 of 2020 (Sri Radhakrushna Mahaprabhu Bije and Smt. Prasanti Padhi and others), wherein one branch of Marfatdars had claimed nomination as hereditary trustees. His client represents another branch.

2. Ms. Naidu, learned advocate appears on behalf of the Commissioner and submits, section 74 in Odisha Hindu Religious Endowments Act, 1951 provides only for certain powers of a civil Court to the Commissioner. Hence, there should not be interference.

3. We accept submission made by Ms. Naidu. Petitioner may file separate cause within two weeks from date. We direct the Commissioner's Court that in event, petitioner files separate Original Application (OA) within the time directed, it be tagged with OA no.100 of 2020 and dealt with analogously.

4. The writ petition is disposed of..

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