

(2022) 11 OHC CK 0203
In the Orissa High Court
Case No : Writ Petition (C) No. 30028 Of 2022

Sarbang Das Goswami

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 24-11-2022

Acts Referred:

Odisha Hindu Religious Endowments Act, 1951 — Section 7

Citation : (2022) 11 OHC CK 0203

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

Bench : Division Bench

Advocate : P.K. Rath, A.K. Sharma, A.K. Nath

Judgement

1. Mr. Rath, learned advocate appears on behalf of petitioner and submits, impugned is, inter alia, order dated 30th September, 2022 passed by the Commissioner under section 7 in Odisha Hindu Religious Endowments Act, 1951. At the outset, he relies on judgment dated 31st March, 1999 of a Division Bench of this Court in Jasobanti Thakurani Vs. Commissioner of Endowments, Orissa, reported in AIR 1999 Ori 175. He draws attention to paragraph-9 in print taken from 1999 SCC online Ori 21. He submits, view taken was that the Commissioner in making such an order ought to have given opportunity of hearing to persons interested. This was not done.

2. He submits further, those who have been appointed to constitute interim trust board are persons, who are at conflict with the institution. He relies on section 7 for the qualifications imposed on powers of the Commissioner.

3. Mr. Nath, learned advocate appears on behalf of the Commissioner and seeks service. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State. Mr. Rath hands over copy to Mr. Nath.

4. Contentions of petitioner require adjudication in law. Parties are to get ready.

5. Issue notice along with this order on private opposite party nos.4 to 8 by

registered/speed post with A.D. Petitioner will put in requisites.

6. List on 15th December, 2022.

7. Impugned order referred to above does not reveal opportunity of hearing given. Hence, it will remain stayed till next date.

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