
(2022) 11 OHC CK 0253
In the Orissa High Court
Case No : Writ Petition (C) No.21091 of 2018

Tamala Das

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 30-11-2022

Acts Referred:

Odisha Hindu Religious Endowments Act, 1951 — Section 19, 19A
Odisha Hindu Religious Endowments Rules, 1959 — Rule 4A, 4A(3)

Citation : (2022) 11 OHC CK 0253

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

Bench : Division Bench

Advocate : M.K. Dash, A.K. Sharma, P. Naidu

Final Decision : Disposed Of

Judgement

1. Mr. Dash, learned advocate appears on behalf of petitioner and submits, his client wants to deal with property purchased by her under a registered conveyance dated 12th August, 1992. As such, she applied for no objection under section 19-A in Odisha Hindu Religious Endowments Act, 1951. He draws attention to inserted by amendment rule 4A in Odisha Hindu Religious Endowments Rules, 1959. He submits, in spite of not receiving any objection, the Commissioner passed impugned judgment dated 20th July, 2018 rejecting his client's petition.

2. Ms. Naidu, learned advocate appears on behalf of the Commissioner and points out from paragraph-6 of impugned judgment that her client found case schedule land is recorded in name of deity Sri Dadhibaban Dev, bije Nijagaon, indicating public deity. In the circumstances, inquiry report was disbelieved and the judgment duly made. She submits further, section 19-A was inserted by amendment in year 1989 and applied thereafter.

3. Mr. Dash in reply relies on view taken by a learned Single Judge of this Court in Sumit vs. State, reported in 2012 (I) OLR 922. He submits, rule 4A was

inserted by amendment, pursuant to this view in year 2012.

4. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State.

5. We notice from rule 4A that sub-rule (3) provides for consequence on receiving objection. Impugned judgment says no objection was received. Hence, we have a situation of section 19A having coming into force in year 1989 but thereafter, petitioner obtained registered conveyance in year 1992, without requirement of obtaining permission.

6. Sections 19 and 19A deal with requirement of permission for dealing with land. It is section 19A that mentions registration of documents in respect of any immovable property, belonging to or given or endowed for purpose of public religious institution, for the Registering Officer register on permission obtaining.

7. Petitioner will file official translated copy of conveyance dated 12th August, 1992, for hearing and disposal of the writ petition.

8. List on 7th December, 2022.

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