

ORISSA ACT 2 OF 1981

THE ORISSA HINDU RELIGIOUS ENDOWMENTS (AMENDMENT) ACT, 1980

TABLE OF CONTENTS**PREAMBLE****SECTIONS**

1. Short title
2. Amendment of section 19
3. Amendment of section 25
4. Amendment of section 58

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THE ORISSA HINDU RELIGIOUS ENDOWMENTS (AMENDMENT) ACT, 1980

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AN ACT TO AMEND THE ORISSA HINDU RELIGIOUS ENDOWMENT ACT, 1951

Enacted by the Legislature of the State of Orissa in the Thirty-first Year of the Republic of India, as follows :—

Short title 1. This Act may be called the Orissa Hindu Religious Endowments (Amendment) Act, 1980.

Amendment of section 19. 2. In section 19 of the Orissa Hindu Religious Endowments Act, 1951 (hereinafter referred to as the principal Act),— Orissa Act 2 of 1952.

(a) for sub-sections (4) and (5) the following sub-section shall be substituted namely :—

“(4) The trustee may, within thirty days from the date of receipt of a copy of the order and any person having interest may, within thirty days from the date of publication of the order, appeal to the State Government to modify the order or set it aside;

Provided that appeals from the orders communicated or published prior to the date of commencement of the Orissa Hindu Religious Endowment (Amendment) Act, 1980 shall lie within a period of three months from the date of communication or as the case may be, publication of the order or within a period of thirty days from the commencement of the said Act whichever period expires earlier.

(5) If in any case where appeal has not been made to the State Government, it appears to the State Government, that the consideration fixed in respect of the transfer by exchange sale, mortgage or lease for a term exceeding five years of any immovable property is inadequate they may, within ninety days from the date of the receipt of the order communicated to them under sub-section (3) or the date of the publication of the order whichever date is later, call for the record of the case from the Commissioner and after giving an opportunity of hearing to the parties concerned, revise the order of the Commissioner;

Provided that in any case where the transfer has not been effected in pursuance of the order of the Commissioner under sub-section (1), the State Government may exercise the aforesaid power even after expiry of ninety days from the date of such order.

(6) The State Government may, by order, stay execution of the deed of transfer in respect of the immovable property which forms the subject matter of an appeal or revision till the disposal of the appeal or, as the case may be, the revision.

(7) The order of the Commissioner made under this section shall, subject to orders if any, passed in an appeal or revision, be final.”

Amendment of section 25. 3. For section 25 of the principal Act, the following section shall be substituted, namely :—

“Recovery of immovable trust property unlawfully alienated.

25. (1) In case of any alienation, in contravention of section 19 of this Act of section 58 of the Orissa Hindu Religious Endowments Act, 1939, or in case of unauthorised occupation, of any immovable property belonging to or given or endowed for the purpose of any religious institution, the Commissioner may, after summary enquiry as may be prescribed and on being satisfied that any such property has been so alienated or unauthorisedly occupied send requisition to the Collector of the District to deliver possession of the same to the trustee of the institution or a person discharging the function of the said trustee. Orissa Act 4 of 1939

(2) The Collector, in exercising his powers under sub-section (1), shall be guided by rules made under this Act.

(3) Any person aggrieved by the action of the Collector may institute a suit in the Civil Court to establish his right."

Amendment of section 58. 4. In section 58 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) The accounts of such religious institutions, as may be notified from time to time by the State Government, shall be audited by Auditors appointed by them in consultation with the Accountant-General and the accounts of other religious institutions shall be audited by the Special Audit Staff appointed by the Commissioner".