

ORISSA ACT XVIII OF 1953

**THE ORISSA HINDU RELIGIOUS ENDOWMENTS
(AMENDMENT) ACT, 1953**

[Received the assent of the Governor on the 28th October 1953, first published in an extraordinary issue of the Orissa Gazette, dated the 30th October 1953]

AN ACT TO AMEND THE ORISSA HINDU RELIGIOUS
ENDOWMENTS ACT, 1939

WHEREAS it is expedient to amend the Orissa Hindu Religious Endowments Act, 1939, in the manner hereinafter appearing;

Orissa
Act IV of
1939.

It is hereby enacted as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Orissa Hindu Religious Endowments (Amendment) Act, 1953.

(2) It shall come into force at once.

Amendment
of section 16,
Orissa Act
IV of 1939.

2. To sub-section (1) of section 16 of the Orissa Hindu Religious Endowments Act, 1939 (hereinafter referred to as the said Act) the following words and figures shall be added, namely:—

Orissa
Act IV of
1939.

“or the Orissa Court of Wards Act, 1947”.

Orissa Act
XXVI of
1947.

Amendment
of section 20,
Orissa Act
IV of 1939.

3. In section 20 of the said Act, after the words “confirmed or recognised by the British Government” wherever they occur, the words “or by the Rulers of merged territories” shall be inserted.

Amendment
of section
27, Orissa
Act IV of
1939.

4. In sub-section (3) of section 27 of the said Act, for the words “five years” the words “a period not exceeding five years” shall be substituted.

Amendment
of section
29, Orissa
Act IV of
1939.

5. In clause (a) of sub-section (1) of section 29 of the said Act, before the word “hudgets” the words “register of endowments” shall be inserted.

Amendment
of section
33, Orissa
Act IV of
1939.

6. In section 33 of the said Act—

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

“ (4) Every order under this section shall be published in the prescribed manner and the order so passed shall be final and binding on the trustee.”

(b) sub-section (5) shall be omitted.

Amendment
of section
38, Orissa
Act IV of
1939.

7. In section 38 of the said Act—

(i) after the words " should be settled " the words " or when a hereditary trustee dies without leaving any legal heir " shall be inserted ;

(ii) after the proviso the following explanation shall be inserted, namely :—

"*Explanation*—The expression ' mismanaging the endowments of such Math or temple ' shall include failure to discharge duties and obligations cast upon the trustee by the various provisions of this Act within a period that may be specified in this behalf by the Commissioner."

Amendment
of section
39, Orissa
Act IV of
1939.

8. In section 39 of the said Act—

(i) in sub-section (1) after the words " for improper purpose " the following words shall be inserted, namely :—

" or that the hereditary trustee has died without leaving any legal heir "

(ii) for sub-section (4) the following sub-section shall be substituted, namely :—

" (4) Every order under this section shall be published in the prescribed manner and the order so passed shall be final and binding on the trustee and all persons having interest."

Repeal of
section 40,
Orissa Act
IV of 1939.

9. Section 40 of the said Act shall be omitted.

Amendment
of section 51,
Orissa Act
IV of 1939.

10. To clause (f) of sub-section (2) of section 51 of the said Act, the following proviso shall be added, namely :—

" Provided that instead of selling the property after attachment thereof under the provisions of the Madras Revenue Recovery Act, 1864 or the Bihar and Orissa Public Demands Recovery Act, 1914, as the case may be, it shall be open to the said Collector at the instance of the Commissioner to appoint a Receiver to take possession of the property or such portion thereof as may be necessary and collect the income thereof until the amount sought to be recovered is realised. The remuneration, if any, paid to the Receiver, and the other expenses incurred by him, shall be paid out of the income of the institution concerned."

Madras
Act II of
1864.
Bihar and
Orissa Act
IV of 1914.

Amendment
of section 58,
Orissa Act
IV of 1939.

11. (i) In section 58 of the said Act after sub-section (1) the following new sub-section shall be inserted, namely :—

"(2) Without prejudice to the generality of his powers in section 54 to institute suits, the Commissioner may, in case of any alienation in contravention of the foregoing provisions, of any immovable property belonging to or given or endowed for the purpose of any religious institution, after such summary enquiry as he may deem fit and on being satisfied that such property has been so alienated, 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 functions of the said trustee, the Collector in exercising his power under this section shall be guided by the provisions of sub-section (2-A) of section 59 of the Act. Any person aggrieved by the order of the Collector may institute a suit in a Civil Court to establish his right within a period of thirty days from the date of order."

(ii) Existing sub-sections (2) and (3) shall be renumbered as sub-sections (3) and (4) and in sub-section (4) as so renumbered for the words, brackets and figure "sub-section (2)" the words, brackets and figure "sub-section (3)" shall be substituted.

Amendment,
of section 59,
Orissa Act
IV of 1939.

12. In section 59 of the said Act, after sub-section (2) the following new sub-section shall be inserted, namely:—

"(2-A) (a) The Commissioner may also make a requisition to the Collector of the district in which the property of the Math or temple or Endowment is situated, in the prescribed form to deliver its possession to the trustee.

(b) On receipt of a requisition under clause (a) the Collector shall serve a notice on the person reported to be in occupation or his agent to vacate the said property within such time as the Collector may specify in the said notice. If such notice is not obeyed, the Collector shall remove him or depute a subordinate officer to remove such person or agent. In the case of any resistance or obstruction the Collector shall hold a summary enquiry into the facts of the case and if satisfied that the resistance or obstruction was without any just cause and that such resistance or obstruction still continues, may issue a warrant for the arrest of the said person and on his appearance may send him with a warrant in such form as may be prescribed for imprisonment in the civil jail of the district for a period not exceeding thirty days as may be necessary to prevent the continuance of such resistance or obstruction."