

HON'BLE THE CHIEF JUSTICE MR. MOHAMMAD RAFIQ
HON'BLE DR. JUSTICE B.R. SARANGI

06. 05.10.2020 Mr. L. Pangari, Sr. Adv. : For the Petitioners
Mr. S. Palit, A.G.A. : For the State-Opp. Parties

W.P.(C) No. 12493 and 20135 of 2020

ORDER

These writ petitions have been filed by the petitioners seeking direction to the opposite parties to extend financial relief to the Sevayat/Servitors of registered temples for the period of lock-down.

Mr. L. Pangari, learned Senior Counsel appearing along with Mr. Sohan Mishra, learned counsel for the petitioners submitted that the petitioner in W.P.(C) No.12493 of 2020 is a Sevayat of Dadhibaman Dev Temple, Tikiripada Sasan in the district of Nayagarh, and petitioner no.1 in W.P.(C) No.20135 of 2020 is an organization of Servitors of different Shiva and Devi temples of Nayagarh district and other co-petitioners/servitors are citizens of India.

Learned Senior Counsel appearing for the petitioners submitted that pursuant to the decision of the Government of India, there was lockdown in the entire country initially for a period of 21 days with effect from 24.03.2020 and thereafter, the lockdown was extended from time to time. It is contended that

the Central Government as per the guidelines issued in Unlock phase-I allowed opening of all religious places with effect from June, 2020, however, with a rider that lockdown shall be confined only to containment zone. The State Government, has however imposed additional restrictions and directed closure of temples in the entire State in its orders dated 31.7.2020, 31.8.2020, and dated 30.9.2020.

Learned counsel has relied on the order of the Supreme Court passed on 31.7.2020 in Nishikant Dubey Vs. Union of India & others, Special Leave Appeal (C) No. 8716 of 2020 wherein the State Government has been directed to examine the grievance of the petitioners for working out a plan to permit limited 'Darshan' not only in the temple but other religious places and find out possibility of limited entry of general public in the temples/religious places in the State, if not from outside the State, at least the persons from within the State, as is being done at some other places. Learned counsel also relied on the order of this Court dated 10.8.2020 in W.P.(C) No. 17898 and 18493 of 2020, wherein the State Government was required to examine the grievance of the petitioners, keeping in view the observations of the Supreme Court in Nishikant Dubey supra, and take a decision with regard to the entry of public in different places of

worship in the State of Odisha. The State Government has not yet taken any decision in this regard.

Learned counsel has also relied on the orders passed by the Karnataka High Court in WPC No. 693 of 2020, wherein it would appear from orders dated 27.5.2020, 3.6.2020 and 17.6.2020, the Court was informed that ration kits were supplied to approximately 18347 Archaks out of 34200 Archaks attached to temples of 'C' category and a total sum of Rs. 13,24,08,000/- was made available for the distribution amongst 35000 temples of 'C' category and that the first installment of Rs.12,000/- has already been distributed.

Learned Senior Counsel appearing for the petitioners also argued that financial assistance of Rs.5,000/- has also been provided to the servitors of Shree Jagannath Temple. It is thus contended that similar benefit should be granted to the petitioners by providing financial assistance/ration kits. Learned Senior Counsel therefore submitted that opposite party no.1-the State Government as well as Opposite Party no.3-the Endowment Commissioner should be directed to consider grievances of the petitioners on their representation.

Mr. S. Palit, learned Addl. Government Advocate submitted that the State Government has never provided any financial assistance to the Sevayats of

Shree Jagannath Temple, Puri, however, the Temple Administration has provided financial aid @Rs.5,000/- to the head of each Sevayat family, who are covered under the insurance scheme for the months of May, June, July and August, 2020 in three phases. It is further submitted that the State Government cannot provide any assistance to the Sevayats, as it would violate Article 27 of the Constitution of India. Reliance is placed upon the judgment of the Supreme Court in the case of **State of Gujarat v. Islamic Relief Committee**, (2018) 13 SCC 687.

Having heard learned counsel for the parties and after going through the records, we direct the opposite parties-State Government and the Endowment Commissioner to examine the grievance of the petitioners on their representation submitted along with copy of this order and take a view on their grievance with regard to financial assistance/ration kits, or in the alternative, for opening of temples, in graded manner, according to modalities it may decide, as per its assessment, from place to place and time to time, as per earlier orders of this Court, as expeditiously as possible, but not later than eight weeks from the date of copy of this order is produced before the authority.

With the above observation and direction, the writ petitions stand disposed of.

As Lock-down period is continuing for COVID-19, learned counsel may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copies in the manner prescribed, vide Court's Notice No.4587, dated 25.03.2020.

(Dr. B.R. Sarangi)
Judge

(Mohammad Rafiq)
Chief Justice