

## ORISSA ACT XXXI OF 1947

THE ORISSA HINDU RELIGIOUS ENDOW-  
MENTS (AMENDMENT) ACT, 1947

[Received the assent of the Governor on the 2nd December 1947, first published in an extraordinary issue of the Orissa Gazette, dated the 9th December 1947]

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

WHEREAS it is expedient further to amend the Orissa Hindu Religious Endowments Act, 1939, for the purposes hereinafter appearing and to provide for the stay of certain classes of suits pending further legislation; Orissa Act IV of 1939.

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Orissa Hindu Religious Endowments (Amendment) Act, 1947.

2) It shall come into force at once.

Substitution of new section 59 for section 59, Orissa Act IV of 1939.

2 For section 59 of the Orissa Hindu Religious Endowments Act, 1939 (hereinafter referred to as the said Act), the following section shall be substitute 1, namely:— Orissa Act IV of 1939.

Putting trustee in possession.

“59. (1) Where a person has been appointed as trustee or executive officer of a math, temple or religious endowment or has been appointed to discharge the functions of a trustee in accordance with the provisions of this Act, and such person is resisted in or prevented from obtaining possession of the math, temple or religious endowment or of the records, accounts and properties thereof by a trustee, office-holder or servant of the math, temple or religious endowment, who has been dismissed or suspended from his office or is otherwise not entitled to be in possession or by any person claiming or deriving title from such trustee office-holder or servant other than a person claiming in good faith to be in possession on his own account or on account of some person not being the said trustee, office-holder or servant, the Commissioner shall, on application by the person so appointed, direct delivery to the person appointed as aforesaid of the possession of such math, temple or religious endowment or the records, accounts and properties thereof, as the case may be, in the prescribed manner:

Provided that nothing contained in this section shall bar the institution of a suit by any person aggrieved by an order under this section for establishing his title to the said property.

*Explanation*—A person claiming under an alienation contrary to the provisions of section 58 shall not be regarded as a person claiming in good faith within the meaning of this section.

(2) The Commissioner and any person authorised by him or acting under his instructions may, for the purpose of delivery of possession under sub-section (1), take or cause to be taken such steps and use or cause to be used such force as may in his opinion be reasonably necessary and may also enter upon any land or other property whatsoever.

(3) No suit, prosecution or other legal proceeding shall lie against the Commissioner or any person acting under his instruction or authorised by him for anything done in good faith under sub-sections (1) and (2).

(4) Every person authorised by the Commissioner or acting under his instructions, in pursuance of this section shall be deemed to be a 'public servant' within the meaning of section 21 of the Indian Penal Code." XLV of  
1860.

Stay of suits for a period of two years.

3. (1) Subject to the provisions of sub-section (2), all suits instituted under the provisions of sub-section (2) of section 64 of the said Act and pending on the date of the commencement of this Act shall be stayed for a period of two years from the said date.

(2) Notwithstanding anything contained in sub-section (1), the Provincial Government may direct that any suit or class of suits stayed under sub-section (1) shall be proceeded with from the stage which had been reached when the suit was stayed.

Continuance of suits after the expiration of the period of two years.

4. All suits stayed under this Act shall, after the expiry of the period of two years specified in sub-section (1) of section 3, be proceeded with, subject to the provisions of any law which may then be in force from the stage which had been reached when the suit was stayed.

Power to remove difficulties.

5. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, from time to time as occasion requires, by order do anything which appears to them necessary for the purpose of removing the difficulty.