

SUO MOTU W.P.(C) No.34766 of 2020

02. 24.02.2021 1. The cause title of the petition will read: “In Re: Removal of unauthorized Religious Structures on public land”.

2. Pursuant to the order passed by the Supreme Court on 31st January, 2018 in a batch of matters of which the lead case was SLP (Civil) No.8519 of 2006 (*Union of India v. State of Gujarat*) the present case is being taken up by this Court.

3. In the said order Supreme Court noted that repeated orders had been passed by it with respect to the removal of unauthorized religious structures which have come up by way of encroachments on public land.

4. After setting out the directions issued in the earlier orders dated 7th December, 2009 and 16th February 2010, the Supreme Court in the order dated 31st January, 2018 directed as follows:-

“To ensure the implementation of directions issued by this Court, consensus has been arrived at Bar and in our opinion, rightly, that the implementation of the order should be supervised by the concerned High Courts. We, consequently, remit the above matters to the respective High Courts for ensuring implementation of the orders in effective manner.

The concerned records be transmitted to the respective High Courts. The interim orders wherever passed, shall

continue, until the matters are considered by the High Court. In case any clarification is required, it would be open to the parties to approach this Court. The High Court will have the jurisdiction to proceed in the Contempt of any of the orders passed by this Court.

Pending applications shall also be transmitted to the High Court.”

5. Pursuant to the above orders certain records have been received by this Court, which includes a copy of I.A. No.16 of 2014 filed by Santoshi Mata Temple Committee, Cuttack in the Supreme Court. It also includes copies of the Affidavits dated 9th September, 2010 and 26th August, 2013 by the then Chief Secretaries to the Government of Odisha, and an additional Affidavit dated 9th May, 2016 by the Officer on Special Duty, Office of the Chief Resident Commissioner, Government of Odisha, Odisha Bhawan, New Delhi updating the status of action taken in the matter of removal of unauthorized religious structures in public places.

4. Issue notice to the State of Odisha through its Chief Secretary.

5. Mr. Muduli, learned Additional Government Advocate accepts notice on behalf of the aforementioned Opposite Party – State of Odisha. The Registry will supply a complete copy of the petition on Mr. Muduli by tomorrow.

6. An affidavit be filed by the Chief Secretary, Government of Odisha apprising the Court of the current status of the implementation of various directions issued by the Supreme Court in the matter of removal of unauthorized constructions of religious structures in public places, throughout the State of Odisha.

7. The affidavit be filed not later than 5th April, 2021, giving the latest position as of 31st March, 2021.

8. List on 13th April, 2021.

(Dr. S. Muralidhar)
Chief Justice

(B. P. Routray)
Judge