

BY SPEED POST

**IN THE COURT OF SMT. USHA PADHEE, PRINCIPAL SECRETARY TO
GOVERNMENT, HOUSING AND URBAN DEVELOPMENT DEPARTMENT, ODISHA,
BHUBANESWAR.**

(Appellate Authority under O.D.A. Act, 1982)

Appeal No. 07 of 2024

Under Section 18(1) of the O.D.A. Act., 1982

Artabandhu Behera.....Appellant

-vrs-

BDA, Bhubaneswar Respondent.

Order

Date 21.12.2024.

The case record is put up today.

This proceeding taken up in person mode.

The Learned Advocate for the appellant is present, the OSD, ODA Act, Bhubaneswar Development Authority (BDA), Bhubaneswar [Respondent] is present.

This Memorandum of Appeal dated 20.05.2022 has been filed by Sri Artabandhu Behera (aged about 56 years), S/o Late Kangali Behera, Plot No.1418/4459, PS - Laxmisagar, PO- Rasulgarh, Gobind Prasad, Bhubaneswar under sub-section (1) of Section- 18 of the Odisha Development Authorities Act, 1982, [here in after referred to as "the Act"] registered as TP Appeal No.07/2024.

Heard the Parties.

The appellant filed the instant to set aside the impugned order dated 20.05.2022 passed by Bhubaneswar Development Authority in PBRUC Case No. 2656 of 2020 and communicated to the appellant vide letter No. 18860/BDA, Dt.25.05.2022 on refusal of permission under provisions of the Schemes for Regularization of Unauthorized Constructions [here in after referred to as "SRUC"], 2019.

The allegation against the appellant is that, the appellant has submitted incomplete application for regularization of G+2 storied residential building over plot No. 1418/4459 in Mouza- Gobinda Prasad under SRUC-2019, wherein the required floor plan drawings, revenue site plan, structural safety certificate in Form-C of the scheme were not submitted.

Upon intimation, the applicant again submitted the same incomplete documents. Hence, the applicant again issued with a show cause to comply with the observations of BDA. But the applicant did not respond to the show cause issued by BDA. Hence, BDA rejected/refused his application.

Perused the prayer of the appellant wherein it has been contended that, he has applied under SRUC-2019 for regularization of the said property. The BDA arbitrarily rejected his application without adhering due process of law and without providing him fair opportunity for the compliance of the show-cause notice. On refusal of the application the appellant was not intimated the same by BDA. The appellant obtained information through RTI application and got to know that his application has already been rejected/ refused and the amount deposited by him has been refunded.

After careful consideration of the submissions made by both parties, this Court observes that BDA is lacking in providing the opportunity to the petitioner to comply the show-cause.

In view of the above the case is remitted back to BDA for disposal as per law, taking into consideration the provisions enshrined under SRUC and submit the compliance report within three weeks before this Court.

Accordingly, the appeal petition is disposed of.

Urgent copy of this order be supplied as per Rules and be also uploaded in the Department website.

Sd/-

(Smt. Usha Padhee)



GOVERNMENT OF ODISHA
HOUSING & URBAN DEVELOPMENT DEPARTMENT
3RD FLOOR, KHARAVEL BHAWAN, BHUBANESWAR, PIN-751001

Memo No. 21 /HUD.,

Date. 01/01/25

Copy forwarded to the Vice-Chairman, Bhubaneswar Development Authority (BDA), Bhubaneswar /OSD (ODA Act), Bhubaneswar Development Authority (BDA), Bhubaneswar/ Planning Member, Bhubaneswar Development Authority (BDA)/ Commissioner, BMC, Bhubaneswar for information and necessary action.


Section Officer

Memo No. 22 /HUD.,

Date 01/01/25

Copy forwarded to Sri Artabandhu Behera, aged about 56 years, S/O- Kangali Behera, resident of Plot No. 1418/4459, PS- Laxmi Sagar, PO- Rasulgarh, Gobinda Prasad, Bhubaneswar, Dist- Khurda for information and necessary action.


Section Officer

Memo No. 23 /HUD.,

Date. 01/01/25

Copy forwarded to the Team Lead, TASU, Housing & Urban Development Department with a request to take necessary steps in order to make the said notice available in the official website of this Department.


Section Officer