

BY SPEED POST

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

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

Appeal No. 08 of 2004

Under Section 91(2) of the O.D.A. Act., 1982

Sri Gouranga Pani.....Appellant

-vrs-

BDA, Bhubaneswar Respondent

Date 04.01.2025

The case record is put up today.

This proceeding taken up in person mode.

The appellant is absent. OSD, ODA Act, Bhubaneswar Development Authority (BDA), Bhubaneswar [Respondent] is present.

This Memorandum of Appeal dated 03.01.2004 has been filed by Sri Gouranga Pani (aged about 32 years), S/o Saranga Pani, resident of Bhagabati Basti, Mouza- Unit-IX, PS- Saheed Nagar, Bhubaneswar Dist- Khurda under sub-section (2) of Section-91 of the Odisha Development Authorities Act, 1982, [here in after referred to as "the Act"] registered as TP Appeal No.08 of 2004.

Heard the Parties.

The petitioner filed this instant appeal being aggrieved upon the impugned order dated 29.12.2003 passed by the Secretary, Bhubaneswar Development Authority (BDA) for demolition of unauthorized construction erected by the appellant.

The allegation against the appellant is that he has undertaken unauthorized construction of thatched house over plot No. 1200 (Pt) of Mouza- Bhoinagar, Bhubaneswar. The plot in question is earmarked for lake use zone in CDP 2010 and no construction over the land is permissible.

On absence of the appellant this court perused the appeal memorandum filed by the appellant and gone through the prayer of the appellant. The appellant conceded that the land is in the adverse possession of the appellant since 30 years.

During the Course of hearing it is revealed that the appellant has been allocated a house in Buddha vihar.

Considering the facts and the circumstances made above and materials on records presented during the course of hearing, this Court observes that the appellant is under adverse possession of the lake use zone land. Any illegal construction over the land stated supra is liable to be demolished.

Hence this court upheld the order of the lower court and BDA is directed to act upon the order immediately.

Accordingly, this appeal dismissed.

Sd/-
(**Smt. Usha Padhee**)



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

Memo No. 2442 /HUD., Date. 04.02.25

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.

Bm/2/25
Section Officer

Memo No. 2443 /HUD., Date. 04.02.25

Copy forwarded to Sri Gouranga Pani, At- Bhagabati Basti, Unit-IX, Bhoinagar, PS- Sahid Nagar, Bhubaneswar, Dist- Khurda for information and necessary action.

Bm/2/25
Section Officer

Memo No. 2444 /HUD., Date. 04.02.25

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.

Bm/2/25
Section Officer